

Washington, Saturday, September 19, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Persons Who Lost Eligibility Because of Military Service

Effective July 1, 1959, paragraph (b) (1) (i) of § 2.209 is amended by changing 1959 to 1963. This amendment is necessary as a result of Public Law 86–4, approved March 23, 1959, which extended to July 1, 1963, the authority to induct persons under the Universal Military Training and Service Act. As amended, paragraph (b) (1) (i) reads as follows:

§ 2.209 Restoration of eligibility.

(b) Persons who lost eligibility because of military service. (1) Anyone who has served on active duty in the military service since June 30, 1950, and for that reason lost a period of eligibility on a register may have his eligibility restored, if he meets all of the following conditions:

(i) He has not served more than four (4) years following the date of his entrance upon active military duty, exclusive of any additional service imposed pursuant to law. The date of entrance on duty means the first date between June 30, 1950, and July 1, 1963, on which he began a new period of active military duty, whether it was by original entry, reentry, or extension.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631 633)

United States Civil Service Commission,

[SEAL] WM, C. HULL,

Executive Assistant.

· [F.R. Doc. 59-7803; Filed, Sept. 18, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

-{Valencia Orange Reg. 183]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIG-NATED PART OF CALIFORNIA

Limitation of Handling

§ 922.483 Valencia Orange Regulation 183.

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 22 as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047) and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Govern-

ment Printing Office, Washington 25, D.C.

The Federal Register will be furnished by
mail to subscribers, free of postage, for \$1.50
per month or \$15.00 per year, payable in
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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959) The following semiannual cumulative

packet supplement is now available: Title 46, Parts 146-149, 1959 Supplement 1 (\$1.25)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1959.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 20, 1959, and ending at 12:01 a.m., P.s.t., September 27, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 1,108,800 cartons; (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 18, 1959.

S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7918; Filed, Sept. 18, 1959; 11:24 a.m.]

[Orange Reg. 361]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments § 933.975 Orange Regulation 361.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

/(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet: or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 16, 1959.

FLOYD F. HEDLUND, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR. Doc. 59-7851; Filed, Sept. 18, 1959; 8:49 a.m.]

[Grapefruit Reg. 313]

PART 933—ÖRANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.976 Grapefruit Regulation 313.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during

the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting. and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze; or

- (ii) Any seeded grapefruit, grown in the production area, which are smaller than 315/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.
- (3) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., September 28, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:
- (i) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: Provided, That such grapefruit may have

(ii) Any seedless grapefruit, grown in the production area, which are smaller than 3% inches in-diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(4) During the period beginning at 12:01 a.m., e.s.t., September 28, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze; or

(ii) Any seedless grapefruit, grown in the production area, which are smaller than 3% inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit. (Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C.

Dated: September 16, 1959.

FLOYD F. HEDLUND. Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7850; Filed, Sept. 18, 1959; 8;49 a.m.]

[Export Reg. 3]

PART 933-ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments 1. § 933.977 Export Regulation 3.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments by export of oranges, including Temple oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

discoloration to the extent permitted public interest to give preliminary notice, under the U.S. No. 2 Russet grade; or engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, and all grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; Temple oranges, tangerines, and tangelos, grown in the production area, are approaching maturity and are expected soon to be subject to-grade and size limitations on such shipments from the production area. The recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of the respective variety, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time have been disseminated among handlers of such oranges, including Temple oranges, grapefruit, tangerines, and tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title), the revised United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title), or the United States Standards for Florida Tangérines (§§ 51.1810-51.1836 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., July 31, 1960, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, tangerines, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

Any oranges, except Temple (ii) oranges, grown in the production area, which are of a size smaller than $2\frac{2}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for , the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title);

(iii) Any grapefruit, grown in the production area, which are of a size smaller than 3%6 inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title);

(iv) Any tangerines, grown in the production area, which are of a size smaller than a size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a halfstandard box (inside dimensions 91/2 x 9½ x 19½ inches; capacity 1,726 cubic

inches); or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C.

Dated: September 17, 1959.

FLOYD F. HEDLUND. Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7884; Filed, Sept. 18, 1959; 9:27 a.m.j

[Lemon Reg. 810]

PART 953—LÉMONS GROWN IN **CALIFORNIA AND ARIZONA**

Limitation of Handling

§ 953.917 Lemon Regulation 810.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommenda-

tion and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 16, 1959.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 20, 1959, and ending at 12:01 a.m., P.s.t., September 27, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement:

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District-1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 17, 1959.

FLOYD F. HEDLUND, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7883; Filed, Sept. 18, 1959; 9:27 a.m.]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 970.1 through 970.92, inclusive, of the order. The Maine Potato Marketing Committee, pursuant to § 970.51 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. Notice of rule making with respect to the proposed limitation of shipments was published in the Federal Register, September 10, 1959 (24 F.R. 7278).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate

the declared policy of the act.

Findings. It is hereby found that good cause exists for not postponing the effective date of § 970.306 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) handling of Irish potatoes grown in the production area has begun, (2) more orderly marketing in the public interest, than would otherwise prevail will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in news media in the production area and by publication in the Federal Register of September 10, 1959 (24 F.R. 7278).

§ 970.306 Limitation of shipments.

During the period from September 21, 1959, through July 16, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraph (b), (c), (d), (e), (f), or (g) of this section.

(a) Minimum grade, size, and cleanliness requirements—(1) Round varieties. U.S. No. 1, or better, grade, 21/4 inches minimum diameter and 4 inches maximum diameter.

(2) Long varieties. U.S. No. 2, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) Cleanliness. (i) Round varieties at least 90 percent fairly clean; (ii) long varieties—packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes

are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90

percent fairly clean.

(b) Special purpose shipments—(1) Modified grade, size, and cleanliness requirements. In a d d i i on to potatoes which meet the requirements of paragraph (a) of this section, potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet the grade and size requirements specified for the particular purpose and the handler complies with the applicable provisions of paragraph (c) of this section.

(i) Chipping. U.S. No. 1, or better, grade (except for damage by shriveling and sprouting), 1½ inches minimum diameter and 4 inches maximum diameter.

(ii) Processing into potato salad, fish cakes, hash, knishes, or pancakes. 85 percent U.S. No. 1, or better, quality, 1½ inches minimum diameter and 2½ inches maximum diameter.

(iii) Export. U.S. No. 1, or better, grade, $1\frac{1}{2}$ inches minimum diameter.

- (2) Exemptions from grade, size, and cleanliness requirements. The minimum grade, size, and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) of this section.
 - (i) Seed, prior to June 1, 1960:
- (ii) For grading or storing within the production area;
 - (iii) Dehydration or potato flakes;
- (iv) Manufacture or conversion into starch, flour, or alcohol;
 - (v) Canning or freezing:
- (vi) Livestock feed:
- (vii) For distribution by the Federal Government; and

(viii) Charity.

- (e) Safeguards. (1) Each handler making shipment of potatoes under the provisions of paragraph (b) for chipping, processing into potato salad, fish cakes, hash, knishes or pancakes, export, dehydration or potato flakes, canning or freezing, livestock feed, or charity shall:
- (i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 970.130;
- (ii) Obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;
- (iii) Pay assessments on shipments of seed; and
- (iv) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes.
- (2) Prior to the issuance of a Certificate of Privilege to ship potatoes for chipping, the applicant shall provide the committee with appropriate evidence that such potatoes have been treated and conditioned (or are in the process of being treated and conditioned) for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the appli-

cable grade and size requirements set forth in paragraph (b) (1) (i) of this section.

(3) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 15,000 pounds for canning or freezing, dehydration, potato flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) State requirements. The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Me. Rev. Stat. Ch. 32, sections 295-301 (1954), as amended

(Supp. 1957)).

(e) Minimum quantities. Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to \$970.45 (assessments) and \$970.65 (Inspection and Certification); if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) of this section and are 90 percent "fairly clean". This exemption shall not apply to any portion of a shipment of over thirty (30) hundredweight of such potatoes.

(f) Inspection. No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. Under § 970.65 (c) of this part, for administration thereof each inspection certificate shall be valid for only 72 hours following completion of inspection as shown in the certificate.

(g) Certificates of Exemption. Each handler making shipments of potatoes under a Certificate of Exemption issued under § 970.122 which are exempted from the grade and size limitations set forth in paragraph (a) of this section shall pack such potatoes in 50-pound, or

larger, packs.

(h) Definitions. The terms "clean", "fairly clean" and the grades and sizes used in this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title) including the tolerances set forth therein; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of the potatoes in any lot meet the requirements of § 51.1541 of this title, except paragraphs (a) and (b) thereof, or § 51.1540 of this title, except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 17, 1959, to become effective September 21, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural
Marketing Service;

[F.R. Doc. 59-7870; Filed, Sept. 18, 1959; 8:49 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 19, 1959 (24 F.R. 6715). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1017.203 Expenses and rate of assessment.

- (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1959, and ending June 30, 1960, will amount to \$4,646.00.
- (b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent (\$0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.
- (c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 15, 1959, to become effective 30 days after publication in the Federal Register.

G. R. Grange, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7819; Filed, Sept. 18, 1959; 8:45 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

Subpart-1960

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

1105.941 Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.

1105.942 Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.

1105.943 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion and establishing a protective cover on slopes of field road fills and cuts.

1105.944 Practice 4: Constructing erosion control dams, pits, ponds, or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.

1105.945 Practice 5: Initial planting of orchards on the contour to help prevent erosion.

1105.946 Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.

1105.947 Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.

1105.948 Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.

1105.949 Practice 9: Initial treatment of cropland, orchardland, or pasture with liming material for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.

protection.

1105.950 Practice 10: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, rotary-mowing, shredding, clipping, or hand grubbing.

1105.951 Practice 11: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.

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1105,952 Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

1105.953 Practice 13: Contruction of permanent catchment areas for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

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1105.955 Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pastureland and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.

grazing.

1105.956 Practice 16: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.

1105.957 Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.

1105.958 Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.

1105.959 Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.

1105.960 Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation water supply system to conserve water and prevent erosion.

1105.961 Practice 21: Installation of a water distribution system, including portable sprinklers and gated pipes, in reorganizing farm irrigation to conserve water and prevent erosion.

1105.962 Practice 22: Construction or enlargement of permanent open drainage systems or vertical drains to dispose of excess water on farmland under cultivation or on pastureland.

1105.963 Practice 23: Installing under-

1105.963 Practice 23: Installing underground drainage systems to dispose of excess water.

1105.964 Practice 24: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

1105.965 Practice 25: Improvement of a stand of forest trees on farmland.

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1105.966 Practice 26: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.

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1105.968 Practice 28: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation graz-ing, or better grassland management, or to make practicable the utilization of the land for vegetative cover.

1105.969 Practice 29: Shaping or land grading to permit effective surface drainage.

1105.970 Practice 30: Léveling or grading land for more efficient use of ir rigation water and to prevent erosion.

1105.971 Practice 31: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

1105.972 Practice 32: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.

1105.973 Practice 33: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.

1105.974 Practice 34: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.

1105.975 Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.

1105.976 Practice 36: Constructing channel lining, chutes, drop spill-ways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

AUTHORITY: \$\\$ 1105.900 to 1105.976 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7 to 17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g-

Introduction

§ 1105.900 Introduction.

(a) The U.S. Department of Agriculture offers every farmer and rancher in the State of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1960 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1960 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.901 General program principles.

The 1960 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in Hawaii.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1960 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices, except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life spans. Cost-shares are not applicable, after they are initially utilized. to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DEFINITIONS

§ 1105.902 Definitions.

For the purposes of the 1960 program: (a) "Secretary" means the Secretary of the U.S. Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural

Conservation Program Service.

(c) "State" means the State of Ha-

(d) "State Office" means the Hawaii Agricultural Stabilization and Conser-

vation Office in Honolulu, Hawaii.
(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, whereever applicable, the State of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or rangeland under the same ownership which is operated by one person, and (2) all additional farm, wood, or rangeland under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means land which the State Office determines (1) was tilled in at least 1 of the 5 calendar years immediately preceding the crop year for which the determination is being made: or (2) was established in permanent vegetative cover within the 5 calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard

not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(1) "Forest Service" means the Division of Forestry, State Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.903 Allocation of funds.

The amount of funds available for conservation practices under this program is \$184,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.918. The State Office will allocate the funds available for conservation practices among the counties consistent with the needs for enduring conservation in the various counties and will give particular consideration to the furtherance of watershed programs sponsored by local people and organizations. The proportion of this fund initially allocated to any county for the 1960 program shall not be reduced from the distribution of such fund for the 1958 program year.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.904 Agencies participating in development of State program.

This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Board of Agriculture and Forestry, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.905 Method and extent of approval.

The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms

and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1960. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal costshare for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedurés incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1105.906 Selection of practices.

(a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Departmentthe use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.907 Pooling agreements.

Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.908 Prior request for cost-sharing.

Costs' will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1959 Agricultural Conservation Program, (b) performance was started but not completed during the 1959 program year, and (c) the State Office believes the extension of the approval to the 1960 program is justified under the 1960 program regulations and provisions, the filing of the request for cost-sharing

under the 1959 program may be regarded as meeting the requirement of the 1960 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.909 Program year and technical aid.

(a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period August 1, 1959, through December 31, 1960, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch, except that for practices performed during the period August 1, 1959, through December 31, 1959, for which specifications and requirements are identical with those for comparable practices under the 1959 Agricultural Conservation Program, cost-share rates shall be those prescribed for the 1959 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.941, 1105.942, 1105.944, 1105.953, 1105.954, 1105.956 to 1105.963, 1105.966 to 1105.972, 1105.975 and 1105.976 (practices 1, 2, 4, 13, 14, 16 to 23, 26 to 32, 35, and 36). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.943 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.945 and 1105.952 (practices 5 and 12), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.966 (practice 26).

(c) The Forest Service (Forestry Division, State Board of Agriculture and Forestry) is responsible for the technical phases of the practices contained in §§ 1105.964 and 1105.965 (practices 24 and 25). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.910 Practice specifications and approval.

(a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in

this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service State Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: Provided, however, That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall bethose recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance require-ments which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.943, 1105.946 to 1105.948, 1105.-964, 1105.966, and 1105.974 (practices 3, 6 to 8, 24, 26, and 34) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out.

(e) Notwithstanding other provisions of the 1960 program, costs may be shared for the practices contained in §§ 1105 .-943, 1105.946 to 1105.948, 1105.964, 1105.-966. and 1105.974 (practices 3, 6 to 8, 24, 26, and 34) treating with the establishment or improvement of vegetative covér for the performance actually rendered even though the minimum requirements with regard to seedbed preparation, the rate of seeding, or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the State Office or its designee (1) that he made every reasonable effort to meet the minimum requirement, and (2) that the practice as performed adequately meets the conservation problem.

§ 1105.911 Completion of practices.

Federal cost-sharing for the practices has not k contained in this subpart is conditioned program.

upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.912 and 1105.913, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.912 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1960 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1105.913.

§ 1105.913 Practices requiring more one program year for completion.

Cost-shares approved under the 1960 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether costsharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1960 program year, the practice may be considered for reapproval under the 1961 program.

§ 1105.914 Initial establishment or installation of practices.

Under the initial establishment principle as it applies to the 1960 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

upon the performance of the practices in .§ 1105.915 Repair, upkeep, and mainte-accordance with all applicable specificanance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.917 Division of Federal costshares.

(a) Federal cost-shares. The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal costshare shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration, the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) Death, incompetency, or disappearance. In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1105.918 Increase in small Federal cost-shares.

The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: Provided, however, That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1 or more shall be increased in accordance with the following schedule:

•	Increase
•	in cost-
Amount of cost-share computed:	share
\$1 to \$1.99	\$0.40
\$2 to \$2.99	80
\$3 to \$3.99	1.20
84 to 84.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
87 to \$7.99	
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	

/ - Ta	icrease
	icrease i cost→
	share
computed—continued	suute
\$11 to \$11.99	\$4.40
\$12 to \$12.99	
\$13 to \$13.99	
\$14 to \$14.99	
\$15 to \$15.99	6.CO
\$16 to \$16.99	6.40
\$17 to \$17.99	
\$18 to \$18.99	7. 20
- \$19 to \$19.99	
\$20 to \$20.99	
\$21 to \$21.99	
\$22 to \$22.99	
\$23 to \$23.99	
\$24 to \$24.99	
\$25 to \$25.99	
\$26 to \$26.99	
\$27 to \$27.99	
\$28 to \$28.99	9.60
\$29 to \$29.99	
\$30 to \$30.99	
\$31 to \$31.99	10.20
\$32 to \$32.99	10.40
\$33 to \$33.99	10.60
\$34 to \$34.99	10.80
\$35 to \$35.99	11.00
\$36 to \$36.99	
\$37 to \$37.99	11.40
\$38 to \$38.99	11.60
\$39 to \$39.99	
\$40 to \$40.99	
\$41 to \$41.99	
\$42 to \$42.99	12.20
\$43 to \$43.99	
\$44 to \$44.99	12.40
\$45 to \$45.99	12.50
\$46 to \$46.99	12.60
\$47 to \$47.99	12.70
\$48 to \$48.99	12.80
\$49 to \$49.99	12.90
\$50 to \$50.99	13.00
\$51 to \$51.99	
\$52 to \$52.99	13.20
\$53 to \$53.99	13.30
\$54 to \$54.99	
\$55 to \$55.99	13. 50
\$56 to \$56.99	13.60
\$57 to \$57.99	10.00
\$50 to \$50.00	13.70
\$58 to \$58.99	
\$59 to \$59.99	13.90
\$60 to \$60.99	
\$186 to \$199.99	1
\$200 and over	2

¹ Increase to \$200. ² No increase.

§ 1105.919 Maximum Federal cost-share limitation.

(a) The total of all Federal cost-shares under the 1960 program to any person with respect to farms or ranching units in Hawaii for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$1,500. and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000. The total of all Federal costshares under the 1960 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1960 program may be withheld, or required to be refunded, if he has adopted, or participated in

adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.921 Maintenance of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1960 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.922 Practices defeating purposes of programs.

If the State Office finds that any person has adopted or participated in any practice during the 1960 program year which tends to defeat the purposes of the 1960 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1105.923 Depriving others of Federal cost-share.

If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1105.924 Filing of false claims.

If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1960 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1960 program and shall refund all amounts that may have been paid to him under the 1960 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.925 Federal cost-shares not subject to claims.

Any Federal cost-share or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.926, and

except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.926 Assignments.

Any person who may be entitled to any Federal cost-share under the 1960 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.927 Practices carried out with State or Federal aid.

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1960 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.928 Compliance with regulatory measures.

Persons who carry out conservation practices for cost-sharing under the 1960 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.930 Persons eligible to file application.

Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.931 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission

of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the costshare, provided he does so on or before

December 31, 1961.

APPEALS

§ 1105.933 Appeals.

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.935 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148: 16 U.S.C. 590g-590q), and the Department of Agtion Appropriation Act, 1960.

§ 1105.936. Availability of funds.

(a) The provisions of the 1960 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1960 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1961.

§ 1105.937 Applicability.

(a) The provisions of the 1960 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it: and (4) farmlands, the use of which the State Office determines will probably change within approximately 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the State of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the U.S. Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States of a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.941 Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.

Cost-sharing will be allowed provided the structures are properly laid out and constructed in accordance, with specifications contained in Technical Standards on file in the State Office. If the

riculture and Farm Credit Administra- land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. This practice is applicable to average slopes, up to 12 percent for channel terraces, up to 25 percent for diversion ditches, and up to 50 percent for bench terraces. Necessary protective outlets must be provided.

> Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of \$0.30 per cubic yard of earth moved in terrain permitting normal operation of equipment. tillage

> (b) 50 percent of the cost, but not in excess of \$0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.942 Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.

This practice does not apply to infield surface water interception on farmland. (See § 1105.941 practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod (see § 1105.943 (practice 3)) or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of \$0.40 per cubic yard of material moyed, other than by dynamiting.

(b) 50 percent of the cost of materials and

labor in dynamiting.
(c) 50 percent of the cost of materials and labor for clearing rocks and trees from minimum right-of-way.

§ 1105.943 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion and establishing a protective cover on slopes of field road fills and cuts.

This practice is applicable to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. It also applies to exposed slopes of field road fills and cuts installed and/or reshaped during the program year. Sod lining of waterways and cover on fills and cuts must be dense enough to prevent soil cutting before cost-sharing may be allowed. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Slopes of fills and cuts must not exceed natural angle of repose for the soil. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.947 (practice 7) and § 1105.948 (practice 8) on file in the State Office. Soil moving under this practice is eligible for costsharing only if it qualifies under § 1105.942 (practice 2).

Maximum Federal cost-share. (a) \$3.50 per 1,000 square feet of surface established

to cover by seeding, sodding, or sprigging.
(b) 50 percent of the cost at the farm of the minimum needed application of approved liming materials and/or commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.944 Practice 4: Constructing erosion control dams, pits, ponds, or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.

Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by checkers as evidence of accomplishment under paragraphs (d) and (f) of this section. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of \$0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) \$20 per cubic yard of concrete used. (c) \$13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm. (e) \$3 per cubic yard of rock used, for

rock or rock-and-brush dams. (f) 75 percent of the cost of constructing

stone barriers for diverting and spreading surface runoff.

(g) \$0.50 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) \$3.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.945 Practice 5: Initial planting of orchards on the contour to help prevent erosion.

This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches. Cultivation at other times for weed control or soil tilth must be on the contour.

Maximum Federal cost-share. \$7.50 per acre.

§ 1105.946 Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.

This practice is applicable to all orchardland. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.947 (practice 7)), the ratio of onethird of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

> Recommended minimumseeding rate

	(pounds per	uciej
(a)	Pigeon peas	30
(b)	Velvet beans	25
(c)	Field beans	20
	Vetch (hairy, common, purple)	25
(e)	Clover:	
• -	(Hubam)	5
	(Kaimi)	10
(f)	Kudzu (tropical)	2
(g)	Crotalaria juncea	20
	Cowpeas	30
	Trefoil (big)	2
(j)	Alfalfa	10.
M	Grimum Federal cost_share (a) 7	5 ner

cent of the cost of seed at the farm, but not in excess of \$7.50 per acre of area planted.

(b) \$7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the cost of the minimum nesded application of fertilizer (as determined by soil test), but not in excess of \$15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost is required.) (For lime applications, see § 1105.949 (practice 9).)

§ 1105.947 Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.

This practice is applicable to all orchardland. Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before yearend if for green manure. Detailed specifications are contained in Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.946 (practice 6) for ratio specifications.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of \$7.50 per acre actually planted. (b) \$7.50 per acre planted to sprigs, stools,

or cuttings.

(c) 60 percent of the cost of the minimum needed application of fertilizer (as determined by soil test), but not in excess of \$15 per acre of area fertilized. (Receipts, in-voices, or other evidence of cost is required.) (For lime applications, see § 1105.949 (practice 9).)

§ 1105.948 Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.

All equipment used to prepare land for seeding shall operate across the slope as

near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or grasslegume mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum needed application of liming materials may be authorized under § 1105.949 (practice 9).

Maximum Federal cost-share. (a) 50 percent of the cost of straight grass or legume seed or mixed grass and legume seed, but not in excess of \$3 per acre seeded.
(b) \$5 per acre planted to slips or stools

terrain suitable for discing or machine

planting.

(c) \$10 per acre planted to slips or stools

in terrain requiring hand sprigging.

(d) 50 percent of the cost at the farm of the minimum needed application of fertilizer (as determined by soil test) for establishing or improving cover, but not in excess of \$10 per acre. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.949 Practice 9: Initial treatment of cropland, orchardland, or pasture with liming material for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.

This practice is applicable to land which is devoted in 1960 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for costsharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless

the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.914, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1956-or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the checker at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of-liming material delivered to the farm on an island having locally pro-

duced lime available.
(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.950 Practice 10: Initial controling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, rotary-mowing, shredding, clipping, or hand grub-

Costs will be shared for each treatment, but not in excess of three treatments during the year, done according to accepted practices. Receipts or invoices showing purchase of poisons used or of labor employed in grubbing, clipping, shredding, or mowing will be required by checkers as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as described in University of Hawaii Extension Bulletin 62 and BAF-Regulation NW-10 on noxious weeds, available at the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of \$1 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of \$1.50 per acre per treatment.

(c) 50 percent of the cost of rotary-mowing, shredding, or clipping, but not in excess of \$1 per acre per each operation.

§ 1105.951 Practice 11: Initial applica-tion of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.

Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by checkers as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or di-

version ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of \$50 per acre treated with materials secured outside the farm from sources not more than 30 miles distant

by most direct highway route.
(b) \$2.50 per acre treated with crop residue material produced on the farm (restricted to

first time use on any farm).

(c) 50 percent of the cost of acceptable

material grown for the purpose on the farm, but not in excess of \$50 per acre.

(d) 50 percent of the cost of organic material at the farm, but not in excess of \$75 per acre treated with materials secured outside the farm from sources more than 30 miles distant by most direct highway route.

§ 1105.952 Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative

Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.953 Practice 13: Construction of permanent catchment areas for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative

No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) \$12 per cubic yard of concrete used.

(c) \$7 per cubic yard of rubble masonry

§ 1105.954 Practice 14: Construction of permanent water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed

specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) \$12 per cubic yard of concrete used. (c) \$7 per cubic yard of rubble masonry

usèd.

§ 1105.955 Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.

No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Permanent electric fences of acceptable quality are eligible. Receipts or invoices showing purchase of materials will be required to determine

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

 (b) \$0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.956 Practice 16: Constructing or sealing dams, pits, or ponds for live-stock water, including the enlarge-ment of inadequate structures.

The development must contribute to a better distribution of grazing or better pasture management or make practicable the utilization of the land for vegetative cover. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by checkers as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by the SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of \$0.40 per cubic yard of earth material moved.

(b) \$14 per cubic yard of concrete used. (c) \$8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or

sodding the dam and filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.957 Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.

The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of \$0.40 per cubic yard of earth material moved.

(b) \$14 per cubic yard of concrete used.

(c) \$8.50 per cubic yard of rubble masonry usèd.

(d) 50 percent of the cost of seeding or sodding dams or filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.958 Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of \$0.40 per cubic, yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.959 Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of approved material used, other than concrete and rubble masonry, including soil sealing and including installation costs.

(b) \$14 per cubic yard of concrete used. \$8.50 per cubic yard of rubble masonry (c)

used.

§ 1105.960 Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation water supply system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No costsharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) \$14 per cubic yard of concrete used.

(c) \$8.50 per cubic yard of rubble masonry

§ 1105.961 Practice 21: Installation of a water distribution system, including portable sprinklers and gated pipes, in reorganizing farm irrigation to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of applying water to the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No costsharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share, 35 percent of the cost at the farm of plain, gated, or perforated pipe, springlers, and fittings used, but not in excess of \$100 per acre of reorganized irrigation.

§ 1105.962 Practice 22: Construction or enlargement of permanent open drainage systems or vertical drains to dispose of excess water on farmland under cultivation or on pastureland.

No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by checkers as evidence

of construction work costs. No costsharing will be allowed for ditches, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of \$0.40 per cubic yard of material moved, other than by dynamiting.

(b) \$14 per cubic yard of concrete used.
(c) \$8.50 per cubic yard of rubble masonry

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditchbanks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum needed application of approved liming materials and commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover.

(e) 50 percent of the cost of materials and

labor in dynamiting rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

(g) 50 percent of the cost of initial clearing of brush and/or trees from the minimum right-of-way.

§ 1105.963 Practice 23: Installing underground drainage systems to dispose of excess water.

No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture in the area during at least 2 of the 5 years preceding that in which the practice is applied: Provided, however, That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of installing the system. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.964 Practice 24: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.955 (practice 15) are employed. Acceptable plant species and spacing are those recommended by the Forestry Division of the State Board of Agriculture and Forestry.

trees or shrubs planted.

§ 1105.965 Practice 25: Improvement of a stand of forest trees on farmland.

Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal costsharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. The practice must be carried out in accordance with technical forestry standards of the Forestry Division, State Board of Agriculture and Forestry. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences. (See § 1105.955 (practice 15).)

Maximum Federal cost-share. 50 percent of the cost of performance. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.966 Practice 26: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.

Plantings must be protected from-fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.955 (practice 15) are employed. Acceptable plant species are those recommended by the Forestry Division of the State Board of Agriculture and Forestry. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. \$8 per 100 trees or shrubs planted.

§ 1105.967 Practice 27: Installation of facilities for sprinkler-irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.

Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a the responsible SCS technician. Dewritten plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings, but not in excess of \$100 per acre. Receipts, invoices, or other evidence of cost is required.)

Maximum Federal cost-share. \$8 per 100 - § 1105.968 Practice 28: Constructing wells or developing seeps or springs for livestock water as a means of protecting _established ' vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover.

> Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

> Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.969 Practice 29: Shaping or land grading to permit effective surface drainage.

No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. No Federal costsharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.970 Practice 30: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.

No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cut of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Leveling or grading must be carried out in accordance with a plan approved by tailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by checkers.

Maximum Federal cost-share. 50 percent of the cost of earth moving.

§ 1105.971 Practice 31: Streambank or shore protection, channel clearance, enlargement or realinement, or con-Ostruction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Technical Standards on file in the State Office. No cost will be shared for maintenance or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost is required.)

§'1105.972 Practice 32: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Technical Standards on file in the State Office. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of effective contour operations.

Maximum Federal cost-share. (a) \$5 per acre established in contour farming during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.973 Practice 33: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.

All cultural operations, including row crop planting, must be performed across the prevailing slope. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective cross-slope stripcropping system.

'Maximum Federal cost-share. (a) \$5 per acre established in cross-slope stripcropping during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.974. Practice 34: Establishment of permanent vegetative strips be-tween tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.

Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of \$7.50 per acre of area planted to grasses and legumes listed in §§ 1105.946 and 1105.947 (practices 6 and 7). (Receipts, invoices, or other evidence of cost is required.)

(b) \$7.50 per acre planted to sprigs or

cuttings.

(c) 60 percent of the average cost at the farm of the minimum needed application of approved commercial fertilizer, including nitrogen, and liming material (as determined by soil test) for establishment of the vegetative strips, but not in excess of \$15 per acre of area treated. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.975 Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.

No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. \$5 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of \$300 per farm.

§ 1105.976 Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by checkers as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

Done at Washington, D.C., this 16th day of September 1959.

E. L. PETERSON, Assistant Secretary.

[F.R. Doc. 59-7853; Filed, Sept. 18, 1959; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-35]

EXEMPTING ADVANCE NOTICE OF TIME OF ARRIVAL OF VESSELS NUMBERED BY A STATE; STAND-ARDS FOR FIRE EXTINGUISHING EQUIPMENT

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 an Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it ap-

pears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessels estimated time of arrival to be furnished to the Captain of the Port. The purpose of the amendment to 33 CFR 124.10(g) (2) is to state that the requirements of this section do not apply to vessels which are numbered by any State pursuant to the Federal Boating Act of 1958 (Public Law 85-911; 46 U.S.C. 527-527h); i.e., vessels numbered by a State are exempt from filing a notice of estimated time of arrival with the Captain of the Port.

The amendment to 33 CFR 126.15(j), regarding fire extinguishing equipment on waterfront facilities, is editorial in nature and substitutes the new title of the standards issued by the National Fire Protection Association by changing the phrase from "Standards for First Aid Fire Appliances" to "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers."

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendments which shall become effective upon the date of publication of this document in the Federal Register:

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVE-MENT OF VESSELS

Section 124.10(g)(2) is amended to read as follows:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(g) * * *

(2) Vessels which are numbered by the Coast Guard, or by any State pursuant to the provisions of the Federal Boating Act of 1958 (Public Law 85-911; 46 U.S.C. 527-527h).

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLO-SIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGU-OUS TO WATERFRONT FACILITIES

Section 126.15(j) is amended to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

(j) Fire extinguishing equipment. That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: September 3, 1959.

[SEAL] A. C. RICHMOND,

Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-7832; Filed, Sept. 18, 1959; 8:47 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Straits of Florida and Florida Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.95 governing the use and navigation of Naval operational training, aerial gunnery, and bombing and strafing areas in the Straits of Florida and Florida Bay, Fla., is hereby amended to establish a new bombing and strafing area, adding new subdivision (v) to paragraph (a) (3), as follows:

- § 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.
 - (a) The danger zones. * * *
- (3) Bombing and strafing target areas. * * *
- (v) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at latitude 24°35.6′ and longitude 82°11.6′, not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal

No. 184---3

bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500

[Regs., Sept. 3, 1959, 285/91 (Straits of Florida and Florida Bay, Fla.)-ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

> BRUCE EASLEY, Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 59-7808; Filed, Sept. 18, 1959;

Title 14—AERONAUTICS AND

Chapter I—Federal Aviation Agency [Regulatory Docket 121; Reg. SR-389B, Amdt. 1]

PART 4b-AIRPLANE AIRWORTHI-NESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND **OPERATION RULES**

PART 41-CERTIFICATION AND OP-**ERATION RULES FOR SCHEDULED** AIR CARRIER OPERATIONS OUT-SIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42-IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION **RULES**

Special Civil Air Regulation; Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR-389B, adopted by the Civil Aeronautics Board on December 24, 1958, and effective January 30, 1959, specified in part that no large airplane while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-5 effective April 9, 1957, except for those airplanes listed in the table in SR-389B. Special Civil Air Regulation No, SR-389A, which preceded SR-389B, contained a similar provision but referred to Amendment 4b-4 effective December 20, 1951. The effect of SR-389B was to apply the current Part 4b exit requirements retroactively to airplanes which met the earlier Part 4b requirements referenced in SR-389A.

A review of the history of the development of SR-389B indicates that such retroactive application of current Part 4b requirements was included inadvertently and that it would impose an unnecessary burden on the operators of certain airplanes. SR-389B is therefore being amended to eliminate this retroactive provision.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment is made effective immediately.

In consideration of the foregoing, Paragraph 1 of Special Civil Air Regulation No. SR-389B is hereby amended to read as follows, effective September 11, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4 effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and dobrs) heretofore approved by the Administrator for the emergency egress of passengers.

(Sec. 313(a), 603, 604, 72 Stat. 752, 776, 778; 49 U.S.C. 1354(a), 1423, 1424)

Issued in Washington, D.C., on September 11, 1959.

> JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 59-7809; Filed, Sept. 18, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

- [Airspace Docket No. 59-WA-8]

[Amdt. 36]

PART, 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 39]

PART 601-DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG-

Revocation of Federal Airway Associated Control Areas, and Designated Reporting Points

Correction

In F.R. Document 59-7586, appearing in the issue for Saturday, September 12, 1959, at page 7367, the bracket referring to the Airspace Docket number should. read as set forth above.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

> PART 221—TIMBER Administrative Use

By virtue of the authority vested in the Secretary of Agriculture, Regulation S-25 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 221.25, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby canceled and Regulation S-24 which constitutes § 221.24, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 221.24 Administrative use of nationalforest timber.

(a) The Chief, Forest Service, is authorized to dispose of timber on the national forests in any amount for administrative use, by sale or without charge, as may be most advantageous to the United States, subject to the maximum cut fixed in accordance with established policies for management of the national forests. Such administrative use shall be limited to the following conditions and purposes:

(1) For construction, maintenance or repair of roads, bridges, trails, telephone lines, fences, recreation areas or other improvements of value for the protection or the administration of the national forests or other federal lands.

(2) For fuel in federal camps, buildings and recreation areas.

(3) For investigations or experimental use.

(4) For use in relief work conducted by public agencies.

(5) For disposal when necessary to protect the forest from injury or to improve conditions of growth.

(b) The Chief, Forest Service, may delegate and provide for redelegation of the authority obtained herein, to subordinates in amounts fixed by him.

(Sec. 1, 30 Stat. 35, as amended; 16 U.S.C.

Done in Washington, D.C. this 16th. day of September 1959.

[SEAL] E. L. PETERSON. Assistant Secretary of Agriculture.

[F.R. Doc. 59-7854; Filed, Sept. 18, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS:

Chapter'I-Bureau of Land Management, Department of the Interior

PART 161-THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Definitions; Land Dependent by Use

SEPTEMBER 14, 1959.

Pursuant to the delegation of authority from the Secretary of the Interior conveyed by Departmental Order No. 2583, of August 16, 1950, and in accordance with the provision of 43 CFR 161.16. notice is hereby given as follows:

Upon recommendation of the advisory boards of the Malta Grazing District (Montana No. 1), the Big Dry Grazing District (Montana No. 2), the Powder River Grazing District, (Montana No. 3), and the Roundup Grazing District (Montana No. 6), and a factual showing

of its necessity having been made by the State Supervisor, concurred in by the Area Administrator, a special rule is hereby prescribed for the purpose of classifying and determining the dependency by use of base properties utilizing certain Federal ranges in Montana grazing districts mentioned above.

As applied to the lands described below, the provisions of § 161.2(k) of the Federal Range Code for Grazing Districts (43 CFR 161.2(k)), are modified to read as follows:

(k) (1) "Land dependent by use" means forage land other than Federal range of such character that the conduct of an economic livestock operation requires the use of some part of the Federal range described below in connection with it and which in the "priority period" was used as a part of an established, permanent, and continuing livestock operation during each year of such priority period in connection with the Federal range.

The priority period shall be the five-yearperiod immediately preceding January 1, **1**959.

(2) Base lands shall be considered as "dependent by use" (class 1) only where and to the extent that during each year of such priority period licenses for use of the Federal range in connection therewith were issued under the rules and regulations of the Montana Cooperative State Grazing Districts, except that in the Roundup Grazing District (Montana No. 6) temporary licenses or permits will not be considered in determining dependency by use.

No lands shall be considered as dependent by use unless offered as base property in an application to the Bureau of Land Management for a grazing license or permit within one year from a date to be established by the State Supervisor in each grazing district or unit thereof.

(3) The extent to which grazing licenses or permits will be granted on the basis of dependency by use of land shall be governed

by the following:
(i) It shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation, computed on the basis of the full five years of the priority period, on that part of the public land which at the time of the issuance of the license or permit is Federal range.

(ii) It shall not exceed the amount of

forage needed for the proper support of the number of livestock creating such dependency by use which is available on the base property during the minimum period established under § 161.4.

The grazing privileges which may be granted hereunder shall not exceed the amounts determined under subdivisions (i) or (ii) of this subparagraph, whichever is the lesser. Where the base property provides forage in excess of that necessary for the proper support of the number of livestock used in creating the dependency by use (class 1) the base property, to the extent of such excess forage capacity, may be treated as dependent by location (class 2) if so

(iii) Whenever the dependency by use of two or more base properties was created by the use of all or part of the same Federal range during the same or at different seasons of the year, by two or more livestock operations, the relative dependency by use of each of the base properties shall be proportionate to the average annual use actually and properly made of the Federal range during the priority period by each of the livestock operations.

The provisions of this special rule shall apply to Federal range within existing Cooperative State Grazing Districts established under the provisions of the Montana State Grass Conservation Act and in existence as of December 31, 1958, and which are also included within Federal Grazing Districts established pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

This special rule shall not apply to lands which are described and covered by a special rule for the Malta Grazing District (Montana No. 1), approved by the Director, Bureau of Land Management, on June 12, 1956.

The provisions of this special rule shall apply to the Federal range located within the following-described area:

MONTANA PRINCIPAL MERIDIAN

T.27 N., R. 17 E., Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.

T. 28 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.

T. 29 N., R. 17 E. Secs. 1, 2, and 3; Sec. 8, E½; Secs. 9 to 16, inclusive; Sec. 17, E1/2; Sec. 20, E1/2; Secs. 21 to 28, inclusive; Sec. 29, E½; Sec. 32, E½;

Secs. 33, 34, 35, and 36. T. 30 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive. T. 31 N., R. 17 E.,

Sec. 1, E1/2; Sec. 12, E1/2; Secs. 13, 14, 23, 24, 25, 26, 35, and 36. T. 32 N., R. 17 E., Secs. 1, 2, 11, 12, 13, and 14; Sec. 24, E1/2; Sec. 25, E1/2;

Sec. 36, E1/2. T. 33 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive. T. 34 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive. T. 35, N., R. 17 E.

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive. T. 36 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.

T. 37 N., R. 17 E.,

Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.

Tps. 27 to 37 N., Rs. 18 to 21 E., inclusive. T. 27 N., R. 22 E., Secs. 4 to 9, 16 to 21, 28 to 33, inclusive.

Tps. 28 to 31 N. inclusive, R. 22 E., those parts lying west of Fort Belknap Indian Reservation.

T. 32 N., R. 22 E., those parts lying north and west of Fort Belknap Indian Reservation. Tps. 33 to 37 N., inclusive, R. 22 E.,

Tps. 31 and 32 N., R. 23 E., those parts lying north of Fort Belknap Indian Reservation.

Tps. 33 to 37 N., inclusive, R. 23 E.,

Tps. 31 and 32 N., R. 24 E., those parts lying north of Fort Belknap Indian Reservation.

Tps. 33 to 37 N., R. 24 E.,

T. 31 N., R. 25 E., those parts lying north of Fort Belknap Indian Reservation. Tps. 32 to 37 N., inclusive, R. 25 E.,

Tps. 27, 28, 29, and 30 N., R. 26 E., those parts lying east of Fort Belknap Indian Reservation.

T. 31 N., R. 26 E., those parts lying north of Fort Belknap Indian Reservation. Tps. 32 to 37 N., inclusive, R. 26 E.,

T. 25 N., R. 27 E., Secs. 1 to 6, 9 to 16, 22 to 24, inclusive. Tps. 26 to 37 N., inclusive, R. 27 E., T. 24 N., R. 28 E.,

Secs. 1 to 5, 9 to 16, 20 to 26, inclusive. Tos. 24 to 37 N., inclusive, R. 28 E. T. 24 N., R. 29 E.,

Secs. 1 to 30, inclusive; Secs. 35 and 36;

Tps. 25 to 37 N., inclusive, R. 29 E., T. 24 N., R. 30 E., Secs. 1 to 27, inclusive. Tps. 25 to 37 N., inclusive, R. 30 E., T. 24 N., R. 31 E., Secs. 1 to 30, 32 to 36, inclusive. Tps. 25 to 37 N., inclusive, R. 31 E., T. 24 N., R. 32 E. Secs. 1 to 20, inclusive: Sec. 21, N1/2; Sec. 22, N1/2 Secs. 23 and 24; Sec. 29, N1/2; Sec. 30, N½. Tps. 25 to 37 N., inclusive, R. 33 E., T. 24 N., R. 33 E., Secs. 1 to 24, inclusive. Tps. 25 to 37 N., inclusive, R. 33 E., T. 30 N., R. 34 E., Secs. 2 to 11, 14 to 23, 26 to 35, inclusive.

Tps. 31 to 37 N., inclusive, Rs. 34 and 35 E.T. 30 N., R. 36 E., that part lying north of Milk River. T. 31 to 37 N., inclusive, R. 36 E., T. 30 N., R. 37 E., that part lying north of

Milk River.

Tps. 31 to 37 N., inclusive, R. 37 E., Tps. 29 and 30 N., R. 38 E., those parts lying

north of Milk River. Tps. 31 to 37 N., inclusive, R. 38 E., Tps. 28 and 29 N., R. 39 E., those parts lying north of Milk River.

Tps. 30, 31 and 32 N., R. 39 E., T. 33 N., R. 39 E., that part lying west of

Fort Peck Indian Reservation. Tps. 34 to 37 N., inclusive, R. 39 E.,

T. 28 N., R. 40 E., that part lying north of Milk River.

Tps. 29 and 30 N., R. 40 E., Tps. 31 and 32 N., R. 40 E., that part lying west of Fort Peck Indian Reservation. T. 27 N., R. 41 E., that part lying north of

Milk River. T. 28 N., R. 41 E., that part lying north of Milk River and west of Fort Peck Indian

Reservation. Tps. 29, 30, and 31 N., R. 41 E., those parts lying west of Fort Peck Indian Reservation. Tps. 27 and 28 N., R. 42 E., those parts lying north of Milk River and west of Fort Peck

Indian Reservation. T. 13 N., R. 45 E., T. 13 N., R. 45 E.,
Secs. 1 to 24, inclusive.
Tps. 14, 15, and 16 N., R. 45 E.,
T. 13 N., R. 46 E.,
Secs. 1 to 24, inclusive.

Tps. 14 and 15 N., R. 46 E. Tps. 13, 14, 15, and 16 N., Rs. 47 and 48 E., T. 11 N., R. 49 E., Secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36.

inclusive. Tps. 12 to 16 N., inclusive, R. 49 E.,

T. 10 N., R. 50 E., Secs. 1 to 28, 33 to 36, inclusive. Tps. 11 to 16 N., inclusive, R. 50 E., Tps. 10 to 13 N., inclusive, R. 51 E.,

T. 14 N., R. 51 E., Secs. 13 to 36, inclusive. T. 9 N., R. 52 E., Secs. 1 to 12, inclusive.

T. 6 N., R. 53 E.,

Tps. 10, 11, 12, and 13 N., R. 52 E. T. 5 N., R. 53 E.,

Secs. 1 to 4, 10 to 14, inclusive. Sec. 24;

Secs. 1 to 4, 10 to 14, 22 to 28, 33 to 36, inclusive.

Tps. 7 to 12 N., inclusive, R. 53 E. T. 13 N., R. 53 E.,

Sec. 7 Secs. 17 to 20, 25 to 36, inclusive. T. 5. N., R. 54 E.,

Secs. 1 to 34, inclusive. Sec. 36

Tps. 6, 7, and 8 N., R. 54 E. Tps. 10, 11, and 12 N., R. 54 E., T. 13 N., R. 54 E.,

Secs. 25 to 36, inclusive. T. 10 N., R. 55 E., Secs. 1 to 18, inclusive.

Tps. 11 and 12 N., R. 55 E.,

RULES AND REGULATIONS

T. 13 N., R. 55 E., Secs. 25 to 36, inclusive. Tps. 11 and 12 N., R. 56 E., T. 13 N., R. 56 E., Secs. 27 to 34, inclusive. T. 5 N., R. 57 E., Secs. 1 to 30, 32 to 36, inclusive. T. 6 N., R. 57 E., Secs. 1 to 3, 10 to 15, 22 to 28, 32 to 36, inclusive. T. 6 N., R. 58 E., Secs. 6, 7, 17, 18, and 19; Secs. 20 to 26, 28 to 36, inclusive. T. 5 N., R. 59 E., Secs. 1 to 12, 14 to 23, 26 to 36, inclusive. T. 12 N., R. 20 E., Secs. 1 to 17, 20 to 28, inclusive. Secs. 34 and 35: Tps. 13 to 18 N., inclusive, R. 20 E., T. 19 N., R. 20 E., Secs. 23 to 28, 32 to 36, inclusive. T. 12 N., R. 21 E. Secs. 1 to 12, 16 to 21, inclusive. Tps. 13 to 19 N., inclusive, R. 21 É., T. 20 N., R. 21 E., Secs. 1 and 2 Secs. 10 to 15, 21 to 28, 32 to 36, inclusive. T. 21 N., R. 21 E., Secs. 22 to 27, 33 to 36, inclusive. T. 9 N., R. 22 E., Secs. 1, 12, 13, 24, 25, and 36. Tps. 11 to 20 N., inclusive, R. 22 E., T. 21 N., R. 22 E. Secs. 19 to 36, inclusive. T. 6 N., R. 23 E., Secs. 1, 12, and 13;

T. 7 N., R. 23 E., Secs. 1 to 4, 9 to 15, 23 to 26, inclusive. Secs. 1 to 5, 8 to 16, 21 to 28, 33 to 36, inclusive. T.9 N., R. 23 E., T. 10 N., R. 23 E., Sècs. 1 to 18, 20 to 29, 32 to 36, inclusive. Tps. 11 to 20 N., inclusive, R. 23 E., T. 21 N., R. 23 E., Secs. 1 to 5, 7 to 36, inclusive. T. 22 N., R. 23 E., that part south of Missouri Tps. 6 and 7 N., R. 24 E., those parts lying north of Musselshell River. . Tps. 8 to 20 N., inclusive, R. 24 E., Tps. 21 and 22 N., R. 24 E., those parts lying south of Missouri River.
Tps. 7 and 8 N., R. 25 E., those parts north and west of Musselshell River. Tps. 9 to 20 N., inclusive, R. 25 E., T. 21 N., R. 25 E., that part lying south of Missouri River. T. 8 N., R. 26 E., that part lying north of Musselshell River. Tps. 9 to 20 N., inclusive, R. 26 E., T. 21 N., R. 26 E., that part lying south of Missouri River. T. 8 N., R. 27 E., that part lying north of Musselshell River. Tps. 9 to 20 N., inclusive, R. 27 E. T. 21 N., R. 27 E., that part lying south of

Tps. 10 to 20 N., inclusive, R. 28 E. T. 21 N., R. 28 E., that part lying south of Missouri River. T. 9 N., R. 29 E., that part lying north of Musselshell River. Tps. 10 to 16 N., inclusive, R. 29 E., Tps. 17 and 18 N., R. 29 E., those parts lying west of Musselshell River. Tps. 19 and 20 N., R. 29 E., T. 21 N., R. 29 E., that part lying south of Missouri River. T. 9 N., R. 30 E., that part lying north of Musselshell River. Tps. 10 to 15 N., inclusive, R. 30 E., T. 16 N., R. 30 E., Secs. 4 to 9, 15 to 36, inclusive. T. 19 N., R. 30 E., that part lying west of Musselshell River. Tps. 20 and 21 N., R. 30 E, those parts 'ying west of Missouri River. Tps. 10, 11, and 12 N., R. 31 E., those parts lying west of Musselshell River. Tps. 13, 14, and 15 N., R. 31 E., T. 16 N., R. 31 E., Secs. 29 to 33, inclusive. Tps. 13 and 14 N., R. 32 E., T. 15 N., R. 32 E., - Sec. 26; Tps. 13 and 14 N., R. 33 E. EDWARD WOOZLEY, Director.

[F.R. Doc. 59-7815; Filed, Sept. 18, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

T. 9 N., R. 28 E., that part lying north of

DEPARTMENT OF THE TREASURY

Internal Revenue Service [26 (1954) CFR Part 1]

INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1953

Lobbying Expenditures

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 162 of the Internal Revenue Code of 1954, relating to lobbying expenditures, were published in tentative form with a notice of proposed rule making in the Federal Register for July 10, 1956 (21 F.R. 5091). Notice is hereby given that proposed \$1.162–15(c) is withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing in duplicate, to the Commissioner of Internal Revenue, Attention: T.P., Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the Federal Register. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

Missouri River.

Musselshell River.

DANA LATHAM, Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to prescribe regulations under section 162 of the Internal Revenue Code of 1954, relating to lobbying expenditures. Such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

There is inserted immediately after § 1.162-15(b) the following new paragraph:

§ 1.162-15 Excepted contributions.

(c) (1) Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (including advertising) related to any of the foregoing purposes are not deductible from gross income. For example, the cost of advertising to promote

or defeat legislation or to influence the public with respect to the desirability or undesirability of proposed legislation is not deductible as a business expense, even though the legislation may directly affect the taxpayer's business. On the other hand, expenditures for institutional or "good will" advertising which keeps the taxpayer's name before the public are generally deductible as ordinary and necessary business expenses provided the expenditures are related to the patronage the taxpayer might reasonably expect in the future. For example, a deduction will ordinarily he allowed for the cost of advertising which keeps the taxpayer's name before the public in connection with encouraging contributions to such organizations as the Red Cross, the purchase of United States Savings Bonds, or par-ticipation in similar causes. In like fashion, expenditures for advertising which present views on economic, financial, social, or other subjects of a general nature but which do not involve any of the activities specified in the first sentence of this subparagraph are deductible if they otherwise meet the requirements of the regulations under section 162.

(2) Dues and other payments to an organization, such as a labor union or a trade association, which otherwise meet the requirements of the regulations under section 162, are deductible in full unless a substantial part of the organization's activities consists of one or more of those specified in the first sentence of subparagraph (1) of this paragraph. If a substantial part of the activities of the

organization consists of one or more of those so specified, deduction will be allowed only for such portion of such dues and other payments as the taxpayer can clearly establish is attributable to activities other than those so specified. The. determination as to whether such specified activities constitute a substantial part of an organization's activities shall be based on all the facts and circumstances. In no event shall special assessments or similar payments (including an increase in dues) made to any organization for any of such specified purposes be deductible.

(3) Expenditures for the promotion or the defeat of legislation include, but shall not be limited to, expenditures for the purpose of attempting to-

(i) Influence members of a legislative body directly or indirectly, by urging or encouraging the public to contact such members for the purpose of proposing, supporting, or opposing legislation, or

(ii) Influence the public to approve or reject a measure in a referendum, initiative, vote on a constitutional amendment. or similar procedure.

[F.R. Doc. 59-7833; Filed, Sept. 18, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A1]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Oak Room of the President Washington Building, Arlington Towers, 1011 Árlington Boulevard, Arlington, Virginia, beginning at 10:00 a.m., e.d.t., on September 23, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington. D.C., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of

the Secretary of Agriculture.

Proposed by the Sealtest Foods Division of National Dairy Products Corporation, Washington, D.C. and the Maryland and Virginia Milk Producers Association. Inc.:

substitute therefore the following:

(b) any manufacturing plant (1) which is operated by a co-operative association 70 percent or more of the members of which are qualified producers whose milk is regularly received during the month at other pool plants, or, (2) which receives its entire supply of milk from a cooperative association as described in paragraph (b) (1) above, and from which Class I products are received during the month in the marketing area.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 304 President Washington Building, Arlington Towers, 1011 Arlington Boulevard, Arlington, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 16th day of September 1959.

> F. R. BURKE, Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-7818; Filed, Sept. 18, 1959; 8:45 a.m.]

[7 CFR Part 906]

[Docket No. AO-210-A11-RO1]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Postponement of Reopening of Hearing on Proposed Amend-Tentative Marketing ments to Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the reopening of the public hearing on proposed amendments to the tentative marketing agreement and the order, as amended, in the Oklahoma Metropolitan maketing area, scheduled to begin at 10:00 a.m., on September 22, 1959, in the Pioneer Room of the Hotel Tulsa in Tulsa, Oklahoma, is hereby rescheduled to convene in the Pioneer Room of the Hotel Tulsa at 10:00 a.m. on September 23, 1959.

The issues to be considered are set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on September 14,

Issued at Washington, D.C., this 16th day of September 1959.

> F. R. BURKE, Acting Deputy Administrator.

Proposal No. 1. Delete § 902(b) and [F.R. Doc. 59-7852; Filed. Sept. 18, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

I 14 CFR Part 608 I

[Airspace Docket No. 59-WA-174]

RESTRICTED AREAS

Revocation and Modification

Pursuant to the authority delegated to me-by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.14 of the Regulations of the Administrator, as .hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the following restricted areas, all in the State of California, in order to provide for more efficient use of the airspace required for the activities therein: Complex (R-484), Camp Irwin (R-276), Cuddeback Dry Lake (R-447), Trona (R-277), Muroc Lake (R-279), Saline Lake (R-485), and Bullion Mountains (R-344).

The Complex restricted area (R-484) presently encompasses the area of the Saline Lake restricted area (R-485). It is proposed to combine these areas and enlarge the combined geographical area. The new area will be renamed the Mt. Whitney, Calif., restricted area (R-484).

The Camp Irwin (R-276), Cuddeback Dry Lake, (R-477), Trona (R-277), and Muroc Lake (R-279) restricted areas are proposed to be combined as the Muroc Lake, Calif., restricted area (R-279).

The Bullion Mountains restricted area (R-344) is proposed to be redesignated by revoking the triangular portion in the northwest corner of the restricted area which overlies VOR Federal airways No. 8, 21, 1518 and 1520, thereby relieving these airways from the present altitude restriction, which result from their conflict with the restricted area.

Recent surveys of airspace use in Southern California show these restricted areas are primarily used on weekdays, and that at night and during weekends the airspace could be available for transit by aircraft other than those of the user agencies. Accordingly, it is proposed that the FAA be designated the controlling agency of the three redesignated restricted areas to assure efficient use of the airspace and to provide air traffic management services for this purpose.

The three restricted areas will continue to be used for their present purposes and by the same agencies. Complex (R-484) and Saline Lake (R-485) restricted areas are used jointly by aircraft from Edwards and George AFBs, Palmdale Air Force Plant No. 42 MCAAS Mojave, Bicycle Lake AAf, and NOTS China Lake. The airspace is restricted from 20,000 ft MSL to unlimited over an area of 10,135 square miles. The activities in this area are aircraft and systems test, test support, air to air gunnery, and operational training, and have increased in volume. A study of airspace problems in Southern California has shown that the airspace presently allocated to these activities is not adequate, primarily because of the speed of the aircraft. Much more space is now required to accomplish a test or combat operation than was previously needed with the slower type aircraft.

Besides the purely military flights which must be contained in R-484, there is an appreciable volume of test flying, under military contract, which requires the segregation provided by a restricted area. In all testing categories, experimental, engineering, and production test, there are maneuvers which because of the aircraft attitude, rapid altitude change, or velocity, detract from the normal ability of pilots to observe and avoid other aircraft. Tests which require that aircraft speed and flight path conform to precise standards also pose a problem in collision avoidance. Consequently, to contain these activities, as well as those emanating from the five military bases, the enlargement of the Mt. Whitney restricted area to overlie approximately 16,819 square miles, is

Pursuant to Part 409 of the Regulations of the Administrator, a public hearing will be held to afford interested persons an opportunity to present views, data or arguments. The hearing will convene on October 27, 1959, at 10:00 a.m. local time, at the Mission Inn Hotel, Riverside, Calif. Persons desiring to be heard are requested to notify the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. Mr. Charles W. Carmody, Chief, Airspace Utilization Division, Bureau of Air Traffic Management, is hereby designated as the presiding officer.

The Federal Aviation Agency has under consideration a request from the Department of the Navy for the redesignation of China Lake, Calif., restricted area (R-278) as Airspace Docket No. 59-LA-45, on which opportunity to present views, data or arguments will be afforded during the hearing established

Interested persons may also submit written data, views or arguments, in lieu of, or in addition to, matter presented orally at the hearing. Such communications should be submitted in triplicate to the Regional Administrator, Los Angeles, Calif. All relevant material presented at the hearing, or in written communications received on or before November 13, 1959, will be considered by the Administrator before action is taken on the proposed amendments.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviaton Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.14 (23 F.R. 5878, 8576, 8577; 24 F.R. 524, 3845, 5116) as follows:

In § 608.14 California: a. The following restricted areas are revoked:

Camp Irwin, Calif., (R-276) (Los Angeles Chart).
Cuddeback Dry Lake, Calif., (R=447) (Los

Angeles Chart). Saline Valley, Calif., (R-485) (Mt. Whitney Chart).

Trona, Calif., (R-277) (Los Angeles Chart).

b. The Complex, Calif., (R-484) restricted area is amended to read as follows:

Mt. Whitney, Calif., (R-484) (Los Angeles and Mt. Whitney Charts) Description by geographical coordinates:

Beginning at 37-46-30 North Latitude 118-00-00 West Longitude; Thence to 35-38-00 North Latitude 116-03-00 West Longitude; Thence to 35-25-00 North Latitude 116-18-45 West Longitude; Thence to 35-37-45 North Latitude 116-29-40 West Longitude; Thence to 35-37-45 North Latitude 117-15-00 West Longitude; Thence to 35-01-00 North Latitude 118-05-45 West Longitude; Thence to 34-51-00 North Latitude 118-05-45 West Longitude; Thence to 34-56-00 North Lati-tude 118-21-00 West Longitude; Thence to 35-15-00 North Latitude 118-35-00 West Longitude; Thence to 35-49-00 North Latitude 118-35-00 West Longitude; Thence to 37-43-00 North Latitude 119-15-00 West Longitude; Thence to point of beginning, but excluding the airspace designated as R-278. Designated altitudes. 20,000 MSL to un-

limited.

Time of designation. Continuous.

Controlling agency. Federal Aviation
Agency, Los Angeles, Calif., ARTCC. Flight through this restricted area may be authorized by prior approval of Los Angeles ARTCC.

(c) The Muroc Lake, Calif., (R-279) restricted area is amended to read as

Muroc Lake, Calif., (R-279) (Los Angeles and Mt. Whitney Charts). Description by geographical coordinates:

Beginning at 35-37-45 North Latitude 116-29-40 West Longitude; Thence to 35-25-00 North Latitude 116-18-45 West Longitude; thence to 35-07-00 North Latitude 116-39-00 West Longitude; Thence to 35-06-30 North Longitude 116-58-40 West Longitude; Thence to 34-53-30 North Latitude 117-11-50 West Longitude; Thence to 34-48-00 North Latitude 118-01-00 West Longitude; Thence to 34-49-40 North Latitude 118-05-45 West Longitude; Thence to 35-01-00 North Latitude 118-05-45 West Longitude; Thence to 35-37-45 North Latitude 117-15-00 West Longitude; Thence to point of beginnign.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles, Calif., ARTCC. Flight through this restricted area may be authorized by prior approval of Los Angeles ARTCC.

(d) The Bullion Mountains, Calif., (R-344) restricted area amended to read as follows:

Bullion Mountains, Calif., (R-344) (Los Angeles and Mt. Whitney Charts) Description'by geographical coordinates:

Beginning at Lat. 34°41′00″, Long. 116°03′00″; Thence to Lat. 34°35′30″, Long. 115°58′00″; Thence to Lat. 34°33′33″, Long. 115°47′00″; Thence to Lat. 34°25′00″, Long. Thence to Lat. 34°25'00" 115°47'00"; 115°44'00"; Thence to Lat. 34°25'00". . Long. Thence to Lat. 34°14'00", Long. 115°44'00'' Thence to Lat. 34°14'00" 116°17′00′′ Thence to Lat. 34°31'00", Long. 116°27'30"; Thence to Lat. 34°40'00" . Long. 116-30'45''; Thence to Lat. 34-43'00'', Long. 116-26'20''; Thence to Lat. 34-43'00'', Long. 116-17'00''; Thence to point of beginning. Designated altitude. Surface to unlimited. Time of designation. Continuous.

Controlling agency. Federal Agency. Flight through this restricted area may be authorized by prior approval from Los Angeles ARTCC.

Issued in Washington, D.C. on September 16, 1959.

> GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7855; Filed, Sept. 18, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management [Area 2]

SPECIFIED CLASSES OF EMPLOYEES Redelegation of Authority

AUGUST 20, 1959.

Pursuant to authority delegated by Order No. 615 of the Director of the Bureau of Land Management, the following redelegations of authority are made in accordance with sections I(a). I(b), I(d), to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

AUTHORITY OF CERTAIN OFFICERS TO ENTER INTO CONTRACTS AND LEASES

Section 1. The assistant area supply officer is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount, and leases of space in real estate as provided in sections 50 and 52 of Order No. 2509, and amendment No. 21, November 9, 1954, of the Secretary of the Interior.

> NEAL D. NELSON. Area Administrator.

[F.R. Doc. 59-7813; Filed, Sept. 18, 1959; 8:45 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 11, 1959.

The Bureau of Indian Affairs has filed an application, Serial Number NM∸ 034478 for the withdrawal of the lands described below, from all forms of appropriation including the mining but not the mineral leasing laws or disposals of material under the act of July 31, 1947

(61 Stat. 681, 30 U.S.C. 601-604) as amended. The Bureau of Land Management will continue to administer grazing until such time as the development of the irrigable lands start within the area. The applicant desires the land for-irrigation purposes for use by the Navajo Indians.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

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NEW MEXICO PRINCIPAL MERIDIAN
T. 28 N., R. 10 W.,
    Sec. 7: All;
    Sec. 18: All:
    Sec. 19: All.
 T. 28 N., R. 11 W.,
    Sec. 11: All;
    Sec. 12: All;
Sec. 13: All:
    Sec. 14: All;
    Sec. 24: All.
 T. 29 N., R. 11 W.
   .29 N., R. 11 W.,
Sec. 26: NW¼NW¼, SE¼, SE¼SW¼;
Sec. 27: NE¼NE¼, S½SE¼, NW¼SE¼,
N½SW¼, SE¼SW¼;
Sec. 34: E½NW¼, E½SW¼;
 Sec. 35: All.
T. 27 N., R. 12 W.,
    Sec. 2: All;
Sec. 3: All;
    Sec. 5: S1/2, NE1/4;
    Sec. 8: All;
    Sec. 11: All;
    Sec. 17: All:
    Sec. 19: All.
    Sec. 20: E1/2;
    Sec. 21: E1/2;
    Sec. 22: All;
Sec. 26: W1/2;
    Sec. 27: N1/2, SE1/4;
    Sec. 28: All;
    Sec. 30: All;
 Sec. 34: N½;
Sec. 35: N½.
T. 28 N., R. 12 W.,
    Sec. 14: All;
    Sec. 15: All;
Sec. 21: NW1/4, SE1/4;
    Sec. 22: All;
    Sec. 23: All;
    Sec. 24: S1/2;
    Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
    Sec. 28: All;
    Sec. 29: E1/2;
    Sec. 32: All:
    Sec. 33: All;
    Sec. 34: All;
    Sec. 35: All.
 T. 27 N., R. 13 W.,
    Sec. 6: All;
Sec. 24: All.
 T. 28 N., R. 13 W.,
    Sec. 19: All;
Sec. 29: N½;
Sec. 30: N½, SW¼;
Sec. 31: W½, SE¼.
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The area described aggregates 28,336 acres.

> EVERT L. BROWN. Acting State Supervisor.

[F.R. Doc. 59-7814; Filed, Sept. 18, 1959; 8:45 a.m.1

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number 046584 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and the mineral leasing laws. The applicant desires the land for use as a classified military installation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Manage-ment, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EAGLE RIVER

TRACT A

Parcel 1

A parcel of land situated within sections 16, 21 and 22, T. 14 N., R. 1 W., S. M., more particularly described as follows:

Sec. 16: NE¼SE¼SE¼, SE¼SE¼SE¼, SW¼ SE¼SE¼, SE¼NW¼SE½SE¼; Sec. 21: NE¼NE¼NE¼, NW¼NE¼NE¼, SE¼NE¼NE¼, N½SW½NE¼NE¼, SE¼ SW 1/4 NE 1/4, N 1/2 NE 1/4 NE 1/4 SE 1/4 NI Sec. 22: N 1/2 NW 1/4, N 1/2 N 1/2 S 1/2 NW 1/4. Total Parcel 1, Tract A—161.25 acres. N½NE¼NE¼SE¼NE¼;

TRACT A

Parcel 2

Sec. 15: N1/2 SE1/4 NE1/4 SW1/4 NW1/4. T. 14 N., R. 1 W., S. M. Containing 1.25 acres, more or less.

Aggregating 162.50 acres.

L. T. MAIN, Operations Supervisor, Anchorage.

[F.R. Doc. 59-7829; Filed, Sept. 18, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number 047062 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws

including the mining and mineral leasing laws. The applicant desires the land classified military for use 25 а. installation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the under-signed officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application

GIRDWOOD MISSILE ANNEX TRACT A

Parcel No. 1

A parcel of land located approximately 11/2 miles northeast of Girdwood townsite, Third Judicial Division, Territory of Alaska, more specifically described as follows:

Commencing at Corner No. 1 of U.S. Survey No. 3044, the Point of Beginning for this

Description, thence:

N. 56°35' E., 1505.66 feet to Corner No. 9 of

said Survey; N. 23°36' W., 82.50 feet to Corner No. 8 of said Survey;

N. 66°24' E., 198.00 feet to Corner No. 7 of said Survey;

N. 64°56' E., 396.00 feet to Corner No. 6 of said Survey; S. 41° E., 2800 feet to a point; S. 49°10'08" W., 3715.92 feet to a point;

N. 51° W., 2700 feet to Corner No. 6 of U.S. Survey No. 3043;

N. 36°01' E., 2175.69 feet to Corner No. 5 of said Survey identical with Corner No. 1 of U.S. Survey No. 3044, the Point of Beginning for this Description. Containing 269.01 acres, more or less.

TRACT A Parcel No. 2

A parcel of land located approximately 2 miles East of Girdwood Townsite, Third Judicial Division, Territory of Alaska, more specifically described as follows:

Commencing at a point at Latitude 60°55′ 58.55″ N., Longitude 149°07′04.21″ W., 1927 N.A.D., the Point of Beginning for this Description, thence:

North 150 feet; East 250 feet; South 250 feet: West 250 feet:

North 100 feet to the Point of Beginning.

Containing 1.43 acres, more or less.

L. T. MAIN, Operations Supervisor, Anchorage.

[F.R. Doc. 59-7830; Filed, Sept. 18, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number

047379 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for

classified military purpose.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit-comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. The lands involved in the application

EKLUTNA AIR FORCE STATION

TRACT A

(Parcel No. 1)

Seward Meridian

T. 16 N., R. 1 E.

sec. 27: S½S½NW¼, SW¼; Sec. 28: S½SE¼NE¼, SE¼SW¼NE¼, E½ SE14, E1/2W1/2SE1/4. Containing 350 acres.

(Parcel No. 2)

Seward Meridian

T. 16 N., R. 1 E., Sec. 20: NW1/4 SW1/4 SE1/4. Containing 10 acres. Aggregating 360 acres.

> L. T. MAIN, Operations Supervisor, Anchorage.

[F.R. Doc. 59-7831; Filed, Sept. 18, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

FOUR PERCENT TREASURY NOTES OF SERIES B-1962

Redemption

Correction

In F.R. Doc. 59-7702, appearing at page 7741 of the issue for Wednesday, Sept. 16, 1959, the signature ending the document should read "Julian B. Baird,"

DEPARTMENT OF COMMERCE

Office of the Secretary THOMAS C. CLARK, II

Report of Appointment and Statement of Financial Interests ...

Report of appointment and statement of financial interests required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Thomas C. Clark, II.

- 2. Employing agency: Department of Commerce, Business and Defense Services Administration.
- 3. Date of appointment: September 11, 1959.
- 4. Title of position: Assistant Director, Scientific, Motion Picture and Photographic Products.
- 5. Name of private employer: Veeder-Root Inc., Hartford, Connecticut.

CARLTON HAYWARD, Director of Personnel.

JUNE 29, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar

Aetna Life Insurance Company. American Telephone & Telegraph Company. Atlantic Refining Company. Central & Southwest Corporation. Citizens & Southern National Bank. Coastal Caribbean Oil Company. Commonwealth Life Insurance Company. Continental Can Company. Continental Oil Company. Delaware Power & Light Company. Detroit Edison Company. Doolittle Lake Company, Norfolk, Connecticut.

E. I. Dupont de Nemours Corporation. Farmers & Manufacturers National Bank, Poughkeepsie, New York.

First National Bank—Chicago. Fundamental Investors Mutual Fund. Gulf Oil Corporation.

Hartford National Bank & Trust Company. Houston Lighting & Power Company. Idaho Power Company.

Illinois Power Company.

Kennecott Copper Company. Lincoln National Life Insurance Company. McGraw-Hill Publishing Company.

Mellon National Bank & Trust Company. Minnesota Mining & Manufacturing Com-

pany. National Bank of Detroit. National City Bank of Cleveland. Northern Pacific Railway Company. Philadelphia National Bank. Phillips Petroleum Company. Phoenix Insurance Company. Public Service Company of Colorado. Riegel Paper Company. Seattle First National Bank. Socony Mobil Oil Company. Southern Company. Standard Oil Company of California. Standard Oil Company of New Jersey. Texas Utilities Company. Travelers Insurance Company. Union Carbide Corporation. United Gas Corporation.

THOMAS C. CLARK, II.

SEPTEMBER 14, 1959.

Bank Deposits.

Veeder-Root Incorporated.

[F.R. Doc. 59-7825; Filed, Sept. 18, 1959; 8:46 a.m.]

JOHN H. MILLS

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

- 1. Name of appointee: Mr. John H. Mills.
- 2. Employing agency: Department of Commerce, Business and Defense Services Administration.
- 3. Date of appointment: September 10, 1959.
- 4. Title of position: Consultant (Adviser to Director) .
- 5. Name of private employer: Bridgeport Brass Company, 30 Grand Street, Bridgeport 2, Connecticut.

CARLTON HAYWARD. Director of Personnel.

AUGUST 14, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminium Limited. Bridgeport Brass Company. Canadian Aerosols Ltd. Chrysler Motors. Peter Paul Inc. Scranton Spring Brook Company. The Southern Company. Southern N. E. Telephone Co. Texas Eastern Transmission Co. Tilo Roofing Company. United Illuminating Company. Wingbacks Inc. Bank Deposits.

JOHN H. MILLS.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7826; Filed, Sept. 18, 1959; 8:46 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28. 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

- A. Deletions: No changes.
- B. Additions: No changes.

This statement is made as of September 12, 1959.

H. J. VORZIMER.

SEPTEMBER 12, 1959.

[F.R. Doc. 59-7827; Filed, Sept. 18, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary STATE OF MICHIGAN

Notice of Opportunity for Hearing to Michigan Employment Security Commission

On the 8th day of October 1940 the Michigan Unemployment Compensation Act (Act 324, Laws of 1939), now the Michigan Employment Security Act, was heretofore certified by the Social Security Board pursuant to the provisions of section 903(b) of the Social Security Act, now section 3303(b)(3) of the Internal Revenue Code of 1954.

Section 3303(b)(3) of the Internal Revenue Code of 1954 provides that:

(3) The Secretary of Labor shall, within 30 days after any State law is submitted to him for such purpose, certify to the State agency his findings with respect to reduced rates of contributions to a type of fund or account, as defined in subsection (c), which are allowable under such State law only in accordance with the provisions of subsection (a). After making such findings, the Secretary of Labor shall not withhold his certification to the Secretary of such State law, or the provisions thereof with respect to which such findings were made, for any taxable year pursuant to paragraph (1) or (2) unless, after reasonable notice and op-portunity for hearing to the State agency, the Secretary of Labor finds the State law no longer contains the provisions specified in subsection (a) or the State has, with respect to such taxable year, failed to comply substantially with any such provision.

Section 19(b) of the Michigan Employment Security Act as enacted by Act 197, P.A. 1954 and amended by Act 311, P.A. 1957, and as interpreted by the Attorney General in Opinion No. 3109, dated December 17, 1957, permits an employer whose negative account balance has been transferred to the solvency account to have a reduced contribution rate based on less than three consecutive years of experience immediately preceding the computation date, and some such employers have been assigned reduced rates with respect to taxable year 1959.

As a result thereof it appears that the Michigan Employment Security Act no longer contains the provisions specified in section 3303(a)(1) of the Internal Revenue Code of 1954. Section 3303(a) (1) reads in pertinent part:

no reduced rate of contributions * * * is permitted to a person * * * except on the basis of his experience * * * during not less than the 3 consecutive years immediately preceding the computation date.

Therefore, pursuant to the provisions of section 3303(b)(3) of the Internal Revenue Code of 1954, notice is hereby given that an opportunity for hearing will be provided to the Michigan Em-

ning at ten o'clock on the morning of the 22d day of October, 1959, in Room No. 5855, Department of Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington 25, D.C., for the purpose of determining whether the Michigan Employment Security Act, as amended and construed, continues to contain the provisions specified in section 3303(a)(1) of the Internal Revenue Code of 1954 with respect to the conditions of the additional credit allowance to taxpayers against the Federal unemployment tax. and upon the basis of the evidence and legal arguments adduced at said hearing it will be determined whether or not the Michigan Employment Security Act may be certified to the Secretary of the Treasury, as provided in section 3303 (b) (1) of the Internal Revenue Code of

The hearing will be conducted in accordance with the following rules of procedure.

- 1. The Secretary of Labor will appoint a hearing examiner to preside over the hearing.
- 2. The parties of record shall be the State of Michigan and the United States Department of Labor.
- 3. Participation by any person other than the parties of record shall be limited to oral argument as provided in paragraph 11 below and to the filing of written briefs on the issues within the time allowed in paragraph 13 below.
- 4. The hearing shall be stenographically recorded and a transcript made which will be available to any person, at prescribed rates.
- 5. The rules of procedure for the conduct of the hearing may be modified by the hearing examiner to facilitate the hearing.
- Evidence presented is not required to be under oath or affirmation.
- 7. Except as otherwise permitted by the hearing examiner written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.
- 8. Written statements, exhibits. proposals and briefs shall be filed in quadruplicate.
- 9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.
- 10. The hearing examiner shall permit any party of record to conduct such cross examination of any witness as may be required for a full and true disclosure of the facts. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections and the ruling of the hearing examiner shall become a part of the record but this record shall not include argument thereon except as ordered by the hearing examiner.
- 11. After all testimony has been taken and all evidence has been received the

hearing examiner may, upon request, permit any party of record or any interested person to present oral argument upon the matters in issue. Any interested person other than a party of record who wishes to present oral argument shall file in the Office of the Chief Hearing Examiner, Room 4414, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., on or before October 15, 1959, a written or telegraphic request setting forth his name and the persons or groups, if any, whom he represents; the argument of any such person shall be limited to fortyfive (45) minutes. All oral arguments shall be transcribed and made a part of the record.

12. Proposed findings of fact and conclusions of law together with supporting reasons therefor may be submitted to the Office of the Chief Hearing Examiner by any party of record within fifteen (15) days after the transcript of the hearing is available.

13. Any brief on the issues herein may be filed by a party of record or by any interested person, no later than fifteen (15) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

14. All written statements, exhibits, proposals and briefs shall be served upon the parties or record.

- 15. After the time for the filing of proposed findings of fact and conclusions of law, and briefs, the hearing examiner shall prepare a recommended decision containing findings of fact and conclusions of law. This recommended decision shall be served upon the parties of record who may, within fifteen (15) days from the date of its receipt, file in the Office of the Chief Hearing Examiner a statement in writing setting forth any exceptions they may have to such decision, together with appropriate references to record of proceedings upon which they are based and supporting reasons therefor.
- 16. After the time for filing exceptions to the hearing examiner's recommended decision, the hearing examiner shall certify to the Secretary of Labor the entire record of the proceedings together with his recommended decision. The Secretary shall then render his decision in the matter.

Signed at Washington, D.C., this 16th day of September 1959.

> JAMES T. O'CONNELL, Acting Secretary of Labor.

[F.R. Doc. 59-7824: Filed, Sept. 18, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-343]

Accident Occurring at Peconic River Airport, Long Island, N.Y.

NOTICE OF RECONVENING OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry-N 7514A, which occurred at Peconic River Airport, near Calverton, Long Island, New York, on August 15, 1959

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby reconvened for receiving in evidence certain exhibits that were not available at the original hearing. The hearing will-convene on Wednesday, October 7, 1959, at 9:30 a.m. (local time), and will be held in the Garden Room of the Forest Hills Inn, Forest Hills, Long Island, New

Dated at Washington, D.C., September 15, 1959.

[SEAL] CLAUDE M. SCHONBERGER, Hearing Officer.

[F.R. Doc. 59-7828; Filed, Sept. 18, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13086 etc.; FCC 59M-1166]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits.

A prehearing conference in the aboveentitled matter having been held on September 11, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order:

It is ordered, This 11th day of September, 1959 that:

(1) Preliminary drafts of the applitechnical engineering exhibits shall be exchanged among the parties

on November 16, 1959;
(2) Sworn exhibits to be submitted in the parties' affirmative presentations shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 30, 1959;

(3) Notification of witnesses to be called for cross-examination shall be given on December 3, 1959;

It is further ordered, That the hearing presently scheduled herein to commence on October 15, 1959 is continued to December 9, 1959 at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS. Secretary.

[F.R. Doc. 59-7834; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 12943, 12944; FCC 59M-1177]

W. H. HANSEN AND GRABET, INC., RADIO ENTERPRISES

Order Continuing Hearing

In re applications of W. H. Hansen, Tucson, Arizona, Docket No. 12943, File No. BP-11126; Grabet, Inc., Radio Enterprises, Tucson, Arizona, Docket No. 12944, File No. BP-12539; for construction permits.

Pursuant to agreements reached at the prehearing conference held on September 14, 1959, the evidentiary hearing now scheduled to commence on October 1, 1959, is continued to December 7, 1959.

It is so ordered, This the 14th day of September 1959.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION, -

[SEAL] MARY JANE MORRIS.

Secretary.

[F.R. Doc. 59-7835; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13183 etc.; FCC 59M-1163]

ISLAND TELERADIO SERVICE, INC., ET AL.

Order Scheduling Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13183, File No. BPCT-2565; Supreme Broadcasting Co., Inc. of Puerto Rico, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13184, File No. BPCT-2576; Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13185, File No. BPCT-2606; for construction permits for new television broadcast stations (Channel 10).

It is ordered, This 11th day of September 1959, that Thomas H. Donahue will preside at the hearing in the aboveentitled proceeding which is hereby scheduled to commence on December 3, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS Secretary.

[F.R. Doc. 59-7836; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13180; FCC-59M-1162]

RODNEY F. JOHNSON (KWJJ)

Order Scheduling Hearing

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

It is ordered, This 11th day of September 1959, that Charles J. Frederick will preside at the hearing in the aboveentitled proceeding which is hereby by the applicants is continued from Sep-

scheduled to commence on December 16. 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS. Secretary.

[F.R. Doc. 59-7837; Filed, Sept. 18, 1959; 8:48 a.m.1

[Docket Nos. 12909, 12910; FCC 59M-1178] ·

KSOO TV, INC., ET AL. **Order Continuing Hearing**

In re applications of KSOO TV, INC. (KSOO-TV), Sioux Falls, South Dakota, Docket No. 12909, File No. BMPCT-5168; for modification of construction permit; KSOO TV, INC. (KSOO-TV), Sioux Falls, South Dakota, Docket No. 12910, File No. BMFCT-5185; for extension of completion date.

On the oral request of counsel for applicant, and without objection by counsel for the other parties: It is ordered, This 14th day of September, 1959, that the hearing now scheduled for September 17 is continued to Thursday, September 24, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] . MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-7838; Filed. Sept. 18, 1959; 8:48 à.m.]

[Docket Nos. 12680, 12681; FCC 59M-1176]

KANSAS BROADCASTERS, INC. AND: SALÍNA RADIO, INC.

Order Continuing Hearing Conference

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits:

The Hearing Examiner having under consideration a petition for the postponement of the dates for exchange of affirmative exhibits and for the further prehearing conference filed September 10, 1959, by Salina Radio, Inc.; and

It appearing that the reason for the requested postponement arises from the fact that it has not been possible to complete the engineering exhibits in accordance with the schedule originally anticipated, that counsel for all parties, including the Chief, Broadcast Bureau, have consented to the requested extension and to waive the four-day requirement of the Commission's rules, and that good cause for the requested extension having been shown;

It is ordered, This the 14th day of September 1959, that the petition referred to above is granted and the time for the exchange of affirmative exhibits tember 15, 1959 to October 15, 1959, and the date for further prehearing conference and notification of witnesses to be called for cross-examination is continued from September 25, 1959 to October 27, 1959.

Released: September 16, 1959.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-7839; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13179; FCC 59M-1161]

MARTIN KARIG

/ Order Scheduling Hearing

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; for construction permit

It is ordered, This 11th day of September 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 16, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-7840; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 12733; FCC 59M-1171]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration a petition for a new hearing date filed by the applicant on September 8, 1959;

It appearing that the hearing is presently scheduled to commence on September 17, 1959, but additional time is requested for the preparation of engineering exhibits inasmuch as a new engineering consultant has been engaged by the applicant; and

It further appearing that counsel for all the respondents and for the Broadcast Bureau have indicated that they do not oppose the present request which seeks a new hearing date of November 23:

It is ordered, This 14th day of September, 1959, that the petition for a new hearing date is granted, and the hearing now scheduled to commence on September 17 is continued to November 23, 1959.

Released: September 15, 1959.

[SEAL]

FEDERAL' COMMUNICATIONS COMMISSION, MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7841; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13186; FCC 59M-1160]

M & M BROADCASTING CO. (WLUK-TV)

Order Scheduling Hearing

In re application of M & M Broadcasting Company (WLUK-TV) Marinette, Wisconsin, Docket No. 13186, File No. BMPCT-5325; for modification of construction permit (Channel 11).

It is ordered, This 11th day of September 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 3, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7842; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13181; FCC 59M-1167]

MARIN BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of Marin Broadcasting Company, Inc., Radio Station KTIM, San Rafael, California, Docket No. 13181, File No. BP-12540; for construction permit to change transmitter site.

It is ordered, This 11th day of September 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 18, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS .

COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7843; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13161 etc.; FCC 59M-1165]

MILLINGTON BROADCASTING CO. (WHEY) ET AL.

Order Scheduling Hearing

In re applications of Earl W. Daly, tr/as Millington Broadcasting Company (WHEY), Millington, Tennessee, Docket No. 13161, File No. BP-12027; Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Alan G. Patteson, Jr. & Matthew Carter Patteson, d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; Capital Broadcasting Company (WKDA), Nashville, Tennessee, Docket No. 13166, File No. BP-12518; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville

Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Kestner P. Graham, tr/as Radio Holly Springs, Holly Springs, Mississippi, Docket No. 13168, File No. BP-13074; Walker County Broadcasting Company, Inc. (WARF), Jasper Alabama, Docket No. 13169, File No. BP-13101; for construction permits.

It is ordered, This 11th day of September 1959, that Elizabeth C. Smith will preside at the hearing in the aboventitled proceeding which is hereby scheduled to commence on December 15, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION, .

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7844; Filed, Sept. 18, 1959;

[F.R. Doc. 59–7844; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 13171, 13172; FCC 59M-1170]

HOWELL B. PHILLIPS AND WMCV, INC.

Order Scheduling Hearing

In re applications of Howell B. Phillips, Williamsburg, Kentucky, Docket No. 13171, File No. BP-11832; WMCV, Inc., Tompkinsville, Kentucky, Docket No. 13172, File No. BP-12825; for construction permits.

It is ordered, This 11th day of September 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-7845; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13174; FCC 59M-1175]

KERN RADIO DISPATCH

Statement and Order After Prehearing Conference

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-Fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD 993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

1. A prehearing conference, attended by counsel for applicant, protestant, and the Common Carrier Bureau, was held on September 14, 1959.

2. It is ordered, This 14th day of September 1959, that:

(1) The hearing now scheduled for September 29, 1959, is continued to Tuesday, December 1, 1959, at 10 a.m., in the

offices of the Commission, Washington,

(2) Applicant may give notice to take depositions no later than September 24, 1959; and that depositions may be taken no earlier than October 26, 1959. This ruling is without prejudice to the right seasonably to object to the taking of depositions or to their introduction in

(3) Proposed exhibits shall be furnished the other parties and the Hearing Examiner no later than November 20.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7846; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13054; FCC 59M-1168]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Continuing Hearing

In re application of Suburban Broadcasting Company, Inc. (WVIP) Mount Kisco, New York, Docket No. 13054, File No. BP-12258; for construction permit.

A prehearing conference in the aboveentitled matter having been held on September 10, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order:

It is ordered, This 11th day of September 1959, that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on October 12, 1959;

(2) Sworn exhibits to be submitted in the parties' affirmative presentations shall be exchanged among the parties and copies thereof supplied the Hearing Examiner-on November 2, 1959;

(3) Sworn exhibits to be submitted as rebuttal evidence shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 16, 1959:

(4) Notification of witnesses to be called for cross-examination shall be given on November 20, 1959;

It is further ordered, That the hearing presently scheduled herein to commence on October 9, 1959, is continued to November 24, 1959, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7847; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13155, etc.; FCC 59M-1164]

WACO RADIO CO. ET AL. Order Scheduling Hearing.

In reapplications of Jacob A. Newborn. Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Hugh M. McBeath, Waco, Texas. Docket No. 13156, File No. BP-10001; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Radio Broad-casters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, A Partnership, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; for construction permits.

It is ordered, This 11th day of September 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 15, 1959, in Washington, D. C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

\ [SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-7848; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13187; FCC 59M-1174]

WESTERN UNION TELEGRAPH CO. Order Scheduling Hearing

In the matter of the formula for the distribution by The Western Union Telegraph Company of telegraph traffic destined to points in Canada; Docket No. 13187.

It is ordered, This 11th day of September 1959, that Basil P. Cooper will preside at the hearing in the aboveentitled proceeding which is hereby scheduled to commence on November 24, 1959, in Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS Secretary.

[F.R. Doc. 59-7849; Filed, Sept. 18, 1959; 8:49 a.m.]

[Docket Nos. G-19428-G-19434]

CLAUD B. HAMILL ET AL.

Order for Hearings and Suspending Proposed Changes in Rates 1

SEPTEMBER 11, 1959:

In the matters of Claud B. Hamill, Docket No. G-19428; Humble Oil & Refining Company, Docket No. G-19429; Texaco Inc., Docket No. G-19430; Jake L. Hamon (Operator), et al., Docket No. G-19431; Shell Oil Company, Docket No. G-19432; Cities Service Oil Company, Docket No. G-19433; Cities Service Oil Company (Operator), et al., Docket No.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

_		,		- `	_	, ,		
Docket No.	Respondent	Rate sched- ule No.	Supple- mental No.	Purchaser	Notice of change dated—	Date tendered	Effeb- tive i dåte unless suspended	until—
G-19428	Claud B. Hamill	6	1	Tennessee Gas transmission Co.	8-5-59	8-14-59	11-1-59	4-1-60
G-19429	Humble Oil & Re-	f 11	19)do	f 8-6-59	8-17-59	11-1-59	4-1-60
~	_fining_Co.	17	6	$\Gamma \to \infty$	8-5-59	8-17-59	11-1-59	4-1-60
G-19430	Texaco Inc	101	9	}United_Gas Pipe	{27-23-59	8-17-59	9-17-59	2-17-60
G-19431	Jake L. Hamon	101	10	Line Co.	Undated	8-17-59	י וו	
U-18431	(operator), et al.	٥	6	Tennessee Gas	Undated	8-17-59	11-1-59	4-1-60
G-19432	Shell Oil Co	171 130 186	1 8 1 3	Transmission Co.	8-14-59 8-14-59 8-14-59	8-17-59 8-17-59 8-17-59	11-1-59 11-1-59 11-1-59	4-1-60 4-1-60 4-1-60
-		27 28 52 18	53 2 5 415		8-21-59 8-21-59 8-21-59 8-21-59	8-25-59 8-25-59 8-25-59 8-25-59	9-25-59 9-25-59 9-25-59 9-25-59	2-25-60 2-25-60 2-25-60 2-25-60
G-19433	Cities Service Oil	20 21 22	5 5 5 6 5 4	El Paso Natural Gas Co.	8-21-59 8-21-59 8-21-59	8-25-59 8-25-59 8-25-59	9-25-59 9-25-59 9-25-59	2-25-60 2-25-60 2-25-60 2-25-60
G-19434	Cities Service Oil	23 24 26 19	56 2 56		8-21-59 8-21-59 8-21-59 8-21-59	8-25-59 8-25-59 8-25-59 8-25-59	9-25-59 9-25-59 9-25-59 9-25-59	2-25-60 2-25-60 2-25-60 2-25-60
- 1010111	Co. (operator), et al.	10		W/4224	. 6-21-59	6- 20-59 -	8-40-09 	2-20-00

¹The stated effective dates are those requested by Respondents or the first day after the expiration of statutory notice, whichever is later.
²Supplemental agreement.
²Rate in-effect subject to refund in Docket No. G-13979.
²Rate in effect subject to refund in Docket No. G-13913.
Rate in effect subject to refund in Docket No. G-14079.

¹This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Claud B. Hamill (Hamill) in support of the proposed redetermined rate increase submitted copies of Tennessee Gas Transmission Company's (Tennessee) letter of price redetermination, dated April 16, 1959. Hamill cites the contract provisions and higher prices in the area. Further Hamill states that the price provisions were designed to prevent discrimination.

Humble Oil & Refining Company (Humble) in support of its proposed rate increases states that the price provisions were designed to permit increased revenues as the cost of producing gas increases and that the contract resulted from arm's length negotiation.

Jake L. Hamon (Operator), et al. (Hamon) in support of its proposed redetermined rate increase cites the contract provisions which are identical with Humble's and Hamill's contract, and Hamon submitted copies of Tennessee's

price redetermination letter.

Shell Oil Company (Shell) in support of its proposed redetermination rate increases submitted copies of Tennessee's price redetermination letter. Shell also states that the contract provisions resulted from arm's length negotiations and protect Shell against increases in costs which are reflected by the prices freely negotiated under more recent contracts for gas in the area.

Texaco Inc. (Texaco) in support of its proposed renegotiated rate increase states that the increased rate will partially compensate for continually in-creasing costs of development, operation, maintenance, and increased exploratory

expenditures.

Cities Service Oil Company (Cities) and Cities Service Oil Company (Operator), et al. (Cities) in support of its proposed favored-nation rate increases cites the contract provisions and states that the increases are in accordance with such provisions. Cities also states that the contracts were negotiated at arm's length, that the increased price is not unreasonable, and that such increased price is below the market price for gas in the area. Cities submitted copies of El Paso's favored-nation letters and advised as to the triggering increases of Phillips Petroleum Company and other producers for sales of gas in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or prefer-

ential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates

and charges contained in the abovedesignated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to Hamill's FPC Gas Rate Schedule No. 6, Supplement Nos. 19 and 6 to Humble's FPC Gas Rate Schedule Nos. 11 and 17, respectively, Suplement Nos. 1, 8, and 1 to Shell's FPC Gas Rate Schedule Nos. 171, 130, and 186, respectively, Supplement No. 6 to Hamon's FPC Gas Rate Schedule No. 3, are hereby suspended and the use thereof deferred until April 1, 1960; Supplement Nos. 9 and 10 to Texaco's FPC Gas Rate Schedule No. 101 are hereby suspended and the use thereof deferred until February 17, 1960; and Supplement Nos. 3, 2, 5, 15, 5, 6, 4, 4, 6, and 2 to Cities' FPC Gas Rate Schedule Nos. 27, 28, 52, 18, 20, 21, 22, 23, 24, and 26 and Supplement No. 6 to Cities' FPC Gas Rate Schedule No. 19 are hereby suspended and the use thereof deferred until February 25, 1960; and such suspension and deferred use as to each of the foregoing shall continue until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until the respective proceeding has been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-7810; Filed, Sept. 18, 1959; 8:45 a.m.1

[Docket No. G-3198, etc.]

MARACAIBO OIL EXPLORATION CORP ET AL.

Notice of Application and Date of Hearing

SEPTEMBER 14, 1959.

In the matters of Maracaibo Oil Exploration Corporation, Docket No. G-3198; E. J. Hudson, et al., Docket No. G-3667, et al.; Maracaibo Oil Exploration Corporation, Operator and E. J. Hudson, et al., Docket No. G-11492.

Take notice that Maracaibo Oil Exploration Corporation, Operator, et al. (Maracaibo) 1 and E. J. Hudson, et al. (Hudson) 2 filed a joint application on November 5, 1956, as amended December 4, 1956 and May 7, 1957 in Docket No. G-11492, for a certificate of public convenience and necessity and for permission and approval to abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to

² Other applicant is James B. Baird (Baird).

the jurisdiction of the Commission, all as more fully represented in the joint application, as amended, which is on file with the Commission and open to public inspection.

· The joint application, as amended.

seeks authority for:

(1) Hudson and Baird to abandon service to Texas Gas Transmission Corporation (Texas Gas), successor to Louisiana Natural Gas Corporation, and Transcontinental Gas Pipe Line Corporation (Transco) from said producers' interests in producing properties in the Egan Field, Acadia Parish, Louisiana, dedicated under contracts with said buyers dated December 1, 1951 and April 30, 1948, respectively, Hudson et al., were authorized to make such sales, among others on March 21, 1955, in Docket No. G-3667.

(2) Maracaibo, as successor in interest, to continue said sales to Texas Gas and Transco proposed to be abandoned by Hudson and Baird. Maracaibo, one of the original signatories to the aforementioned contracts, was authorized on July 5, 1955, in Docket No. G-3198 to make the sales attributable to its original interests in the producing properties dedicated under such contracts as well as other sales.

(3) A single certificate to be issued in the name of Maracaibo, Operator, et al., covering the sales which Maracaibo in Docket No. G-3198 and Hudson, et al., in Docket No. G-3667 were previously authorized to make to Texas Gas and Transco and also covering the sale of Sunray Mid-Continent Oil Company's (Sunray's) share of the gas sold under

the Texas Gas Contract.

Applicants state that by an assignment of July 1, 1956, Maracaibo acquired the interests of Hudson and Baird in the leases and units included under the subject contracts with Texas Gas and Transco. Prior to said assignment, Hudson and Williams (Hudson-Williams) were the operators of the units under the Transco contract in which Applicants herein had an interest, except the Egan-Hayes and Clement Sand Units (operated by Sun Oil Company). Hudson-Williams also operated the Hous-siere-Latreille B-5 Well under the Texas Gas contract. As a result of the transfers of interests, Maracaibo has now been designated as operator in lieu of Hudson-Williams.

In addition to the Houssiere-Latreille B-5 Well which it now operates, Maracaibo acquired Hudson's and Baird's interests in one other unit under the Texas Gas contract, the Dailey-Truax Well, which is operated by Sun and which accounts for a relatively small portion of the gas sold under the contract.

Maracaibo is filing as a non-operating co-owner on behalf of itself and the other co-owners listed above, except Sun and Sohio, with respect to the aforesaid Daily-Truax Well. Maracaibo is similarly filing for itself, Loomis, Sack and Williams with respect to their interests

¹ Maracaibo filed as operator of certain units and as a non-operating co-owner of other units as hereinafter explained.

³ In addition to Baird, Hudson had also filed on behalf of Donald H. Loomis (Loomis), Isidor Sack (Sack) and Alfred J. Williams (Williams). All have signatory status under the contracts involved.

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in the Egan-Hayes and Clement Sand Units operated by Sun and dedicated under the Transco contract.

The joint application in Docket No. G-11492 has been accepted for filing as a petition to amend orders heretofore issued in Docket Nos. G-3198 and G-3667, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure: Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 or 1.10) on or before October 9, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-7811; Filed, Sept. 18, 1959; 8:45 a.m.1

- FEDERAL RESERVE, SYSTEM UNION BOND & MORTGAGE CO.

Notice of Request for Determination:

Order for Hearing Thereon

Notice is hereby given that request has been made to the Board of Governors. of the Federal Reserve System, pursuant to, section 4(c) (6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by Union Bond & Mortgage Company, Port Angeles, Washington, a bank holding company, for a determination by said Board that the following nonbanking organizations and the activities thereof are of the kind described in those provisions of the Act and the Regulation so as to make it unnecessary for the prohibition of section 4 of the Act with respect to shares in nonbanking organizations to apply in orderto carry out the purposes of the Act:

Forks Building Corporation. The Peninsula Investment Company. Citizens Building Corporation. First American Insurance Agency.

) .

Inasmuch as section-4(c)(6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on October 15 at 10 a.m. at the Seattle Branch of the Federal Reserve Bank of San Francisco, 1015 Second Avenue, in the City of Seattle, State of Washington, before a hearing examiner selected by the Civil Service Commission pursuant to sec. 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR.Part 263). The Board's rules of practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings; Provided, however, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of San Francisco, on or before October 2, 1959, written request relative thereto. said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated at Washington, D.C., this 14th day of September 1959.

[SEAL]

Bidding

MERRITT SHERMAN. _Secretary.

[F.R. Doc. 59-7812; Filed, Sept. 18, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3819]

CENTRAL AND SOUTH WEST CORP. Notice of Proposed Issuance and Sale of Common Stock at Competitive

SEPTEMBER 14, 1959.

Central and South West Corporation ("Central"), a registered holding com-

pany, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction.

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 350,000 shares of its authorized and unissued common stock, par value \$5 per share, at a price to be determined by the competitive bidding,

The net proceeds from the sale of the common stock, estimated to aggregate \$21,000,000, will be used in part to prepay and discharge, without penalty, all notes payable to banks issued by Central and outstanding under its loan agreement dated February 27, 1959, with The First National Bank of Chicago and four other banks. Central has been authorized to borrow an aggregate amount of \$6,000,-000 under said Loan Agreement (Holding Company Act Release No. 13933 (February 27, 1959)) and, at present, has notes outstanding aggregating \$3,200,000.

Central also intends to apply, subject to subsequent approval by this Commission, \$6,000,000 of the net proceeds of the proposed sale of common stock to the purchase, at the par value of \$10 per share, from time to time during 1959 and 1960 of additional shares of the common stock of its subsidiaries, Southwestern Electric Power Company, Public Service Company of Oklahoma, and West Texas Utilities Company. The remainder of such net proceeds will be used by Central (together with funds in its treasury if and to the extent necessary) to purchase, subject to subsequent approval byothis Commission, additional shares of the common stock of one or more of its principal subsidiaries or will be used by Central for its general cor- ~ porate purposes.

The fees and expenses to be incurred by Central in connection with the proposed transaction are estimated at \$80,000, including fees of the Transfer Agent, \$3,600; fees of the Registrar, \$2,000; accountant's fees, \$5,000; reimbursement of underwriters for certain legal fees and expenses, \$2,500; fees of company counsel, \$13,000; fee of Middle West Service Company, \$10,000; and legal fees of local counsel for Central's subsidiaries, \$1,000. The fees and expenses of Messrs. Isham, Lincoln & Beale, counsel for the underwriters, are estimated at \$8,000 and are to be paid by the

successful bidders.

The declaration states that no State commission and no Federal commission. other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 29, 1959, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest. the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert: or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25,

D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-7816; Filed, Sept. 18, 1959; 8:45 a.m.]

[File No. No. 70-3818]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale at Competitive Bidding of Principal Amount of Debentures, and Issue and Sale to Banks of Principal Amount of Short-Term Unsecured Notes

SEPTEMBER 14, 1959.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$25,000,000 principal amount of — percent Debentures, Series N due 1984 ("New Debentures"). The interest rate (a multiple of \% percent) and the price (exclusive of accrued interest) to be paid for the New Debentures (not less than 98\% percent nor more than 101\% percent of the principal amount) will be determined by the bidding.

The New Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, now Morgan Guaranty Trust Company of New York ("Morgan Guaranty"), dated June 1, 1950, as heretofore supplemented and as to be further supplemented by a Twelfth Supplemental Indenture, to be dated October 1, 1959.

Columbia has entered into an agreement with Morgan Guaranty for an unsecured line of credit in the amount of \$10,000,000, pursuant to which it proposes to borrow \$5,000,000 in October and \$5,000,000 in November 1959. Such borrowings will be evidenced by the issue and sale to Morgan Guaranty of unsecured notes maturing April 15, 1960. The notes will bear interest at the prime rate for commercial loans in effect on the date of issue, and may be prepaid in whole or in part at any time without penalty. No commitment fee will be payable.

Columbia will use the net proceeds from the proposed sale of debentures and notes to purchase additional securities of its subsidiaries to assist them in completing their 1959 construction programs, presently estimated at not in excess of \$100,000,000. Columbia and certain of its subsidiaries have been authorized by the Commission to execute the necessary intrasystem financing pursuant to which the additional investments in such subsidiaries will be made by Columbia (Holding Company Act Release Nos. 14014 and 14042).

The fees and expenses to be paid in connection with the transactions will be filed by amendment.

It is stated that no other regulatory commission has jurisdiction over the transactions.

Notice is further given that any interested person may, not later than September 29, 1959 at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. .Doc. 59-7817; Filed, Sept. 18, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 191]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62311. By order of September 15, 1959, The Transfer Board approved the transfer to Active Trucking, Inc., Cambridge, Mass., of the operating rights in Certificate No. MC 20735, issued June 26, 1941, to Joseph Leo Mulholland, Rose A. Mulholland, Adminis-

tratrix, doing business as Mulholland's Express, authorizing the transportation of general commodities, excluding household, commodities in bulk, and other specified commodities, between Providence, R.I., and Boston, Mass., and automobile parts, accessories, tires, and tubes, between Boston and Cambridge, Mass., on the one hand, and, on the other, fifteen towns in Rhode Island. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., for transferee. Grafton H. Willey, III, 633 Howard Bldg., Providence, R.I. for transferor.

No. MC-FC 62364. By order of September 14, 1959, The Transfer Board approved the transfer to King's Express. Inc., Philadelphia, Pa., of a portion of Certificate No. MC 878, issued December 2, 1953, to Russell E. Duttweiler, doing business as Jefferson Transfer, Jeffersonville, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale and retail food business houses, from New York, N.Y., to points in Wayne County, Pa., and general commodities (including household goods) with certain exceptions between points in Sullivan, Orange, Rockland, and Ulster Counties, N.Y., and Pike County, Pa., on the one hand, and, on the other, points in Westchester, Kings, Queens, Bronx, Richmond, and New York Counties, N.Y., and those in Bergen, Passaic, Sussex, Hudson, Essex, Union, and Morris Counties, N.J., and between points in Sullivan County, N.Y., on the one hand, and, on the other, points in Wayne County, Pa. Jacob Polin, P.O. Box 317, Bala-Cynwyd, Pa., for applicants.
No. MC-FC 62452. By order of Sep-

No. MC-FC 62452. By order of September 14, 1959, The Transfer Board approved the transfer to Mrs. Bernice Gibe, doing business as J. D. Schaffer Cartage Company, Chicago, Illinois, of a Certificate in No. MC 31242 issued July 20, 1955, to Mrs. Julia E. Schaffer, Mrs. Bernice Gibe, Legatee, and Mrs. Bernice Gibe, a partnership, doing business as J. D. Schaffer Cartage Company, Chicago, Illinois, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, and commodities in bulk, and other specified commodities, between points in the Chicago, Ill., Commercial Zone as defined by the Commission. Ray J. Haggerty. Phillips. Wisconsin. for applicants.

gerty, Phillips, Wisconsin, for applicants. No. MC-FC 62475. By order of September 14, 1959, The Transfer Board approved the transfer to Arrow Trucking Corp., of Permit No. MC 79013 issued August 21, 1943 to Walter Baker, doing business as Arrow Transportation Co., Brooklyn, N.Y., and Permit No. MC 79013 Sub 1, issued August 31, 1948 to Walter Baker, doing business as Arrow Transportation Co., and Permit No. MC 79013 Sub 2 issued to Walter Baker, Walter Stanley Bortko, executor, doing business as Arrow Transportation Co., Brooklyn, N.Y., authorizing the transportation of: granite from Holmesburg, Pa., to points in N.Y.; tile from Perth Amboy, N.Y., to points in N.Y.; restricted to seasonal operations brick, tile and clay products in bulk between Brooklyn, N.Y. and points in Conn., N.H., N.Y. (except Roseton, N.Y.), and Pa. within 100 miles of New York, N.Y., and brick, tile and clay products between points in Conn.,

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N.J., and N.Y. (except Long Island) all within 100 miles of New York, N.Y., except tile from Perth Amboy, N.J., to points in N.Y., between points in Pa., on the one hand, and, on the other, points in Conn., and N.Y. (except Long Island) (restricted to service for Belden-Stark Brick Corp.) New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 62522. By order of September 14, 1959, The Transfer Board approved the transfer to Joseph G. Walker, Philadelphia, Pennsylvania, of a Permit in No. MC 19800 issued November 29, 1949, to Alton Holmes, Marlton, New Jersey, authorizing the transportation of specific commodities from, to, and be-tween, specified points in Pennsylvania, New Jersey, Maryland, Delaware, New York, and the District of Columbia. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants (P.O. Box 317, Bala-Cynwyd, Pa.).

No. MC-FC 62527. By order of September 14, 1959, The Transfer Board, approved the transfer to Plunkett Motor Freight, Inc., Zelienople, Pa., of Certificate No. MC 52008, issued April 26, 1956, to Charles L. Hammel, Jr., and Norbert Belsterling, a partnership, doing business as Plunkett Motor Freight, Zelienople, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ellwood City, Pa., and Pittsburgh, Pa., serving the intermediate point of Bakerstown, Pa., and those between Bakerstown and Ellwood City, Pa. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., for applicants.

No. MC-FC 62530. By order of September 14, 1959, The Transfer Board approved the transfer to Milon M. Browning, Bountiful, Utah, of the operating rights in Certificate No. MC 112481, issued April 30, 1951, to Dean Vickers, Twin Falls, Idaho, authorizing the transportation, over irregular routes, of cement from Devils Slide, Utah, to points in six specified counties in Idaho. and brick, from Salt Lake City and Ogden, Utah, and points within 5 miles of each, to points in the same six Idaho counties. Bartly G. McDonough, 10 Executive Building, 455 East 4th Street South, Salt Lake City 11, Utah, for applicants.

No. MC-FC 62531. By order of September 14, 1959, The Transfer Board approved the transfer to Cal Cartage, Inc., Camden, N.J., of a portion of Certificate

No. MC 79147, issued June 15, 1953, to Samuel M. Taylor, doing business as Taylor Trucking Co., Philadelphia, Pa., authorizing the transportation of new furniture, over irregular routes, from Philadelphia, Pa., to New York, N.Y., and points in Maryland, Delaware, and New Jersey. Jacob Polin, 314 Old Lancaster Road, Merion, Pennsylvania (P.O. Box 317, Bala-Cynwyd, Pennsylvania), for applicants.

No. MC-FC 62537. By order of September 14, 1959, The Transfer Board approved substitution of Gulf Coast Enterprises, Inc., of Houston, Texas, as transferee of the rights sought in No. MC 118310 in lieu of Lone Star Seafoods, Inc., of Brownsville, Texas, for the right to transport frozen fruits, frozen berries, frozen vegetables and bananas, between points in Alabama, Arizona, Arkansas, California, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kan-sas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin, under the "grandfather" clause of Section 7 of the Transportation Act of 1958. (72 Stat. 574). Joe G. Fender, 1421 Melrose Building, Houston 2, Texas, for applicants.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-7820; Filed, Sept. 18, 1959; 8:46 a.m.]

[Rev. S. O. 562, Revised Taylor's I.C.C. Order . 107]

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LOUISVILLE AND NASHVILLE RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Louisville and Nashville Railroad Company, account bridge burned out at Pascagoula, Mississippi, is unable to transport traffic routed over its line. It is ordered, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Company is hereby authorized to divert or reroute such traffic over any available route-to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the recouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other raidroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred. upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., Septem-

ber 15, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., September 25, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1959.

> INTERSTATE COMMERCE -COMMISSION. CHARLES W. TAYLOR, Agent.

[F.R. Doc. 59-7821; Filed, Sept. 18, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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